

FEDERAL REGISTER

THE NATIONAL ARCHIVES
 OF THE UNITED STATES
 1934
 VOLUME 17 NUMBER 67

Washington, Friday, April 4, 1952

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

QUARANTINE IN TEXAS, ARIZONA, LOUISIANA, NEW MEXICO AND OKLAHOMA

On November 10, 1951, and February 21, 1952, there were published in the *FEDERAL REGISTER* (16 F. R. 11506, 17 F. R. 1619), notices of proposed rule making concerning amendments of the regulations supplemental to the pink bollworm quarantine (7 CFR and Supp. 301.52-1 et seq.) to designate as regulated areas certain specified counties in the States of Oklahoma and Texas, to remove from the lightly infested area in Arizona the county of Santa Cruz and that part of Pima County now under regulation, and to relieve certain restrictions on the movement of cottonseed from heavily infested area. After due consideration of relevant matters presented, and pursuant to section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), the Secretary of Agriculture hereby amends §§ 301.52-2, 301.52-3. (b) (2), and 301.52-4 (c) (2) in the following respects:

1. Section 301.52-2 is hereby amended to read as follows:

§ 301.52-2 *Regulated areas.* The following areas are hereby designated as regulated areas within the meaning of the regulations in this subpart and are further classed as heavily or lightly infested:

(a) *Heavily infested areas.*

Texas. Counties of Aransas, Bee, Brewster, Brooks, Calhoun, Cameron, Culberson, Dimmit, Duval, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Jim Wells, Kenedy, Kinney, Kleberg, La Salle, Live Oak, Maverick, McMullen, Nueces, Pecos, Presidio, Reeves, Refugio, San Patricio, Starr, Terrell, Uvalde, Val Verde, Ward, Webb, Willacy, Zapata, and Zavala.

(b) *Lightly infested areas.*

Arizona. Counties of Cochise, Graham, and Greenlee.

Louisiana. Parishes of Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson Davis, Lafayette, St. Landry, St. Martin, and Vermilion.

New Mexico. Counties of Catron, Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Quay, Roosevelt, Sierra, Socorro, and Valencia.

Oklahoma. Counties of Beckham, Caddo, Comanche, Cotton, Grady, Greer, Harmon, Jackson, Jefferson, Kiowa, McClain, Stephens, Tillman, and Washita.

Texas. Counties of Andrews, Archer, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Brazoria, Brazos, Brown, Burleson, Burnet, Caldwell, Callahan, Chambers, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Dallas, Dawson, De Witt, Dickens, Donley, Eastland, Ector, Edwards, Erath, Falls, Fayette, Fisher, Floyd, Foard, Fort Bend, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Harris, Haskell, Hays, Hill, Hockley, Hood, Howard, Hunt, Irion, Jack, Jackson, Jefferson, Johnson, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Knox, Lamb, Lampasas, Lavaca, Lee, Leon, Liberty, Limestone, Llano, Loving, Lubbock, Lynn, Martin, Mason, Matagorda, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Motley, Navarro, Nolan, Orange, Palo Pinto, Parker, Reagan, Real, Robertson, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Travis, Upton, Victoria, Waller, Washington, Wharton, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, and Young.

2. Section 301.52-3 (b) (2) is hereby amended to read as follows:

(2) *Cottonseed produced in heavily infested area.* Cottonseed, produced in a heavily infested area, that has been treated and protected in the same manner as specified in § 301.52-4 (c) (1) for cottonseed originating in a lightly infested area, may be moved without permit to the following counties in the lightly infested area, either for processing at oil mills designated under the authority of the Chief of the Bureau or for planting in such counties:

New Mexico. Chaves, Dona Ana, and Eddy.
Texas. Atascosa, Austin, Bexar, Brazoria, Caldwell, Colorado, Comal, De Witt, Fayette, Fort Bend, Frio, Goliad, Gonzales, Guadalupe,

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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Otherwise the movement of cottonseed produced in a heavily infested area to points outside such area may be made only under the limitations imposed in § 301.52-4 (c) (2) or in accordance with administrative instructions issued by the Chief of the Bureau under § 301.52.	
3. Section 301.52-4 (c) (2) is hereby amended to read as follows:	
(2) From heavily infested area. Cot- tonseed, produced in a heavily infested	

area, that has been treated and pro-
tected in the same manner as specified
in subparagraph (1) of this paragraph
for cotton originating in a lightly in-
fested area, may be authorized move-
ment under a limited permit to counties
in the lightly infested area other than
those designated in § 301.52-3 (b) (2) or
to non-regulated counties in Texas abut-
ting the lightly infested area, for pro-
cessing therein at oil mills designated
under the authority of the Chief of the
Bureau, if the seed is given one of the
following second treatments, or an alter-
native treatment prescribed by the Chief
of the Bureau in administrative instruc-
tions, before movement of the seed from
the heavily infested area or upon its
arrival at the designated oil mill:

(i) The seed shall be heated at a tem-
perature of 150° F. for a minimum period
of 60 seconds under the supervision of
an inspector at a plant operating sep-
arate and apart from the gin or gins
which applied the initial heat treatment
as a part of the continuous process of
ginning, and the seed shall be subse-
quently protected from contamination,
or

(ii) The seed shall be treated in an
approved fumigation chamber as author-
ized in administrative instructions is-
sued by the Chief of the Bureau.

The cars or other vehicles conveying
the seed to designated oil mills for sec-
ond treatment on arrival must be cleaned
or treated, under the supervision of an
inspector, immediately after unloading.

One of the foregoing amendments
adds to the lightly infested pink boll-
worm regulated area Grady and Mc-
Clain counties in Oklahoma, and Brazos,
Burleson, Cooke, Dallas, Freestone, Gal-
veston, Grimes, Harris, Hunt, Leon,
Montague, Navarro, Robertson, Tarrant,
Waller, Washington, Wise, and Wood
counties in Texas. Pink bollworm in-
festations were found during 1951 in
each of these counties, except Galveston
county, Texas. Galveston county is in-
cluded because it is bordered by infested
counties. This amendment also removes
from the lightly infested area in Arizona
the county of Santa Cruz and that part
of Pima county now under regulation.
These counties have been found free of
pink bollworm infestation.

Another amendment redesignates as
heavily infested 27 counties and part of
a county in Texas now in the area desig-
nated as lightly infested. Surveys indi-
cate that this redesignated area is as
heavily infested with the pink bollworm
as counties already so designated.

Restrictions currently affecting the
movement of cottonseed from the heavily
infested area are relieved to the extent
that such cottonseed, when given a pre-
scribed heat treatment as a part of the
ginning process, may be moved without
a permit to designated counties in the
lightly infested areas of New Mexico and
Texas for planting or for processing at
designated oil mills. Also, the issuance
of limited permits is authorized for the
movement of cottonseed from a heavily
infested area to all lightly infested areas
not within the foregoing designation, or
to nonregulated areas in Texas abutting
the lightly infested area, for processing

at designated oil mills, if the seed has been given a prescribed initial heat treatment as a part of the ginning process before such movement and has also been given one of several alternative second treatments prescribed in the regulations or in supplementary administrative instructions, or is to receive such a second treatment upon arrival at the oil mill.

Furthermore, the temperature requirement for the second heat treatment of cottonseed specified as a condition of movement from the heavily infested area is reduced from 155° F. to 150° F. This reduction was made possible by improvement in heat treating equipment.

Prompt action on the foregoing amendments is necessary in order to control the movement from the added counties and parishes of articles that might spread pink bollworm infestation. Public interest requires prompt action on the amendment relieving certain restrictions heretofore imposed on the movement of cottonseed from the heavily infested area.

Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found that there is good cause for making the amendments effective less than 30 days after publication.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

These amendments shall become effective April 4, 1952.

Done at Washington, D. C., this 1st day of April 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3985; Filed, Apr. 3, 1952;
8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 992—IRISH POTATOES GROWN IN WASHINGTON

RECODIFICATION

In accordance with the revised Federal Register Regulations (1 CFR Part 1), the format of the order (Order No. 92, 7 CFR Part 992) of the Secretary of Agriculture, regulating the handling of Irish potatoes grown in the State of Washington (including the requisite findings set forth therein), and the format of the State of Washington Potato Committee's rules and regulations (7 CFR Part 992) adopted pursuant thereto with the approval of the Secretary of Agriculture, are recodified as hereinafter set forth. To facilitate cross reference between the aforesaid order and the marketing agreement and to obviate possible difficulties in future amendatory proceedings, the provisions of Marketing Agreement No. 113 shall be renumbered and the section headings redesignated to conform to the recodified order. The supplementary provisions of the said marketing agree-

ment shall be renumbered as follows: §§ 992.79 Counterparts; 992.80 Additional parties; 992.81 Order with marketing agreement; 992.82 Authorization to correct typographical errors; 992.83 Record of potatoes shipped.

This recasting of the format and recodification is not intended, nor shall it be deemed, to make any substantive change in the provisions of the aforesaid order of the Secretary, the aforesaid marketing agreement, and the aforesaid rules and regulations of the State of Washington Potato Committee.

Done at Washington, D. C., this 1st day of April 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

SUBPART—ORDER RELATIVE TO HANDLING

FINDINGS AND DETERMINATIONS

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AUTHORITY: §§ 992.0 to 992.124 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

SUBPART—ORDER RELATIVE TO HANDLING

SOURCE: §§ 992.1 to 992.78 contained in Order No. 92, 14 F. R. 5860.

FINDINGS AND DETERMINATIONS

§ 992.0 Findings and determinations—
(a) Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Yakima, Washington, April 4-5, 1949, upon a proposed marketing agreement and a proposed order regulating the handling of potatoes grown in the State of Washington. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different production areas as are necessary in order to give due recognition to the difference in production and marketing of such potatoes;

(2) This order is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of said production area specified in this part would not effectively carry out the declared policy of the act;

(3) This order and all of the terms and conditions of this order will tend to effectuate the declared policy of the act with respect to potatoes as defined in the order by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that

will give such potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such potatoes in the base period, August 1919-July 1929, and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the level which it is declared in the act to be the policy of Congress to establish, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest; and

(4) All handling of potatoes, as defined in this order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary, in the public interest, to make the effective date of this order not later than September 23, 1949. Any delay beyond such effective date will seriously jeopardize the possibility of attaining orderly marketing of the 1949 crop of Irish potatoes grown in the State of Washington, the marketing of which has already commenced. It is necessary to make this order effective by the aforesaid date so that the State of Washington Potato Committee, the administrative agency provided for in the order, can be organized and start functioning as soon as possible. In this manner, it will be possible for regulations to be formulated and issued so that producers will be in a position to obtain the benefits of this program on as much of their 1949 crop of potatoes as is possible.

Compliance with this order will not require any preparation on the part of handlers and adequate notice will be given by the committee so that handlers will have sufficient time to make any necessary preparations for compliance with rules and regulations which may be issued thereafter. The nature and provisions of the order are well known to handlers of Irish potatoes grown in the State of Washington since the public hearing was held in April 1949, and the recommended decision and final decision were published in the *FEDERAL REGISTER* on July 14, 1949, and August 11, 1949, respectively. It is hereby found and determined, in view of these facts and circumstances, that good cause exists for making this order effective September 23, 1949, and that it would be contrary to the public interest to delay the effective date of the order for 30 days after publication thereof in the *FEDERAL REGISTER* (5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that: (1) The marketing agree-

ment regulating the handling of Irish potatoes grown in the State of Washington, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Irish potatoes grown in the aforesaid area) who handled not less than 50 percent of the volume of potatoes covered by the order;

(2) This order regulates the handling of such Irish potatoes in the same manner as, and is made applicable only to the persons in the respective classes of industrial and commercial activity specified, in the aforesaid marketing agreement; and

(3) The issuance of this order is favored or approved (i) by at least two-thirds of the producers who participated in a referendum conducted by the Secretary of Agriculture and who, during the representative period (June 1, 1948-May 31, 1949) determined by the Secretary of Agriculture, were engaged, within the production area specified in this subpart, in the production of Irish potatoes for market, and (ii) by producers who participated in the aforesaid referendum, who, during the aforesaid representative period, produced for market, within the production area specified in this order, at least two-thirds of the volume of Irish potatoes produced by all producers who participated in the said referendum.

It is hereby ordered, pursuant to the findings and determinations set forth in § 992.0 and pursuant to the aforesaid act, such handling of potatoes, as defined in the order, shall, from and after the time specified in this subpart, be in conformity to and in compliance with the terms and conditions of this order.

DEFINITIONS

§ 992.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or member of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 992.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 992.3 *Person.* "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit.

§ 992.4 *Production area.* "Production area" means all territory included within the boundaries of the State of Washington.

§ 992.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the State of Washington.

§ 992.6 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 992.7 *Ship or handle.* "Ship" or "handle" means to transport, sell, or any other way to place potatoes in the current of commerce within the production area or between the production area and any point outside thereof; *Provided,* That the definition of "ship" or "handle" shall not include the transportation of potatoes within the production area for the purpose of having such potatoes prepared for market, or stored, except that the committee may impose safeguards, pursuant to § 992.50 with respect to such potatoes.

§ 992.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 992.9 *Fiscal year.* "Fiscal year" means the period beginning on June 1 of each year and ending May 31 of the following year.

§ 992.10 *Committee.* "Committee" means the administrative committee, called the State of Washington Potato Committee, established pursuant to § 992.22.

§ 992.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 992.12 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of Washington or other seed certification agencies which the Secretary may recognize.

§ 992.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 992.14 *Wholesale pack.* "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

§ 992.15 *Consumer pack.* "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

§ 992.16 *Grade and size.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (7 CFR 51.366) or amendments thereto, or modification thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture on November 3, 1947, effective December 8, 1947 (7 CFR 51.367), or amendments thereto, or modifications thereof, or variations based thereon;

(c) State of Washington Standards for Potatoes issued by the State of Washington Director of Agriculture, or

amendments thereto, or modifications thereof, or variations based thereon;

§ 992.17 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 992.18 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 992.31.

ADMINISTRATIVE COMMITTEE

§ 992.22 *Establishment and membership.* The State of Washington Potato Committee consisting of fifteen members, of whom ten shall be producers and five shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

§ 992.23 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 992.24 *Procedure.* (a) Nine members of the committee shall be necessary to constitute a quorum and nine concurring votes will be required to pass any motion or approve any committee action.

(b) The committee may provide for meetings by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 992.25 *Selection.* (a) Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected.

(b) Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the State of Washington, or officers or employees of a corporate handler in the aforesaid State, and such persons shall be residents of the State of Washington.

(c) The Secretary shall select committee membership so that, during each fiscal period, each district, as designated in § 992.31, will be represented by two producer members and one handler member, with their respective alternates: *Provided*, That one producer member of the committee from District No. 5, with his respective alternate, shall be a certified seed producer.

§ 992.26 *Acceptance.* Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 992.27 *Term of office.* (a) The term of office of committee members and alternates shall be for three years be-

ginning on the first day of June and continuing until the end of the second fiscal year following, and until their successors are selected and have qualified: *Provided, however*, That the terms of office of the initial committee shall be determined by the Secretary so that the terms of office of one third of the initial members and alternates shall be for one year, one third for two years and one third for three years.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 992.28 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 992.29 *Duties.* It shall be the duty of the committee:

(a) At the beginning of each fiscal year, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the com-

mittee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart.

§ 992.30 *Expenses and compensation.* Committee members or their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed \$10.00 for each day, or portion thereof, spent in attending meetings of the committee.

§ 992.31 *Districts.* (a) For the purpose of determining the basis for selecting committee members, the following districts of the production area are hereby initially established:

District No. 1. The counties of Chelan, Okanogan, Grant, Douglas, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, and Adams;

District No. 2. Kittitas County;

District No. 3. The counties of Yakima and Klickitat;

District No. 4. The counties of Benton, Franklin, Walla Walla, Columbia, Garfield, Asotin, and Whitman; and

District No. 5. All of the remaining counties in the State of Washington, not included in Districts 1, 2, 3, and 4 of this paragraph.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided*, That in recommending any such changes in districts or representation, the committee shall give consideration to: (1) The relative importance of new areas of production; (2) changes in the relative position, with respect to production of existing districts; (3) the geographic location of production areas as it would affect the efficiency of administering the marketing agreement and order; and (4) other relevant factors: *Provided further*, That there shall be no change in the total number of committee members or in the total number of districts.

§ 992.32 *Nomination.* The Secretary may select the members of the State of Washington Potato Committee and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for initial members of the committee and their respective alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(b) In order to provide nominations for succeeding committee members and alternates:

(1) The State of Washington Potato Committee shall hold or cause to be held prior to April 1 of each year, after the effective date of this subpart a meeting or meetings of producers and of handlers, respectively, in each of the districts designated in § 992.31 in which the terms of office of committee members, and their respective alternates will terminate at the end of the then current fiscal year;

(2) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant or which is to become vacant at the end of the then current fiscal year;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(5) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(6) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(7) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in handling or producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 992.33 *Failure to nominate*. If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 992.32, the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for in this subpart.

§ 992.34 *Vacancies*. To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 992.32, or the Secretary may select such committee mem-

ber or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this subpart.

EXPENSES AND ASSESSMENTS

§ 992.40 *Expenses*. The committee is authorized to incur such expenses as the Secretary finds may be necessary to perform its functions under this subpart during each fiscal year and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions of this subpart. The funds to cover such expenses shall be acquired by the levying of assessments, as provided in this subpart upon handlers.

§ 992.41 *Assessments*. (a) Each handler who first ships potatoes shall pay to the committee upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the committee for its maintenance and functioning during each fiscal year, and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions of this subpart. Such handler's pro rata share of such expense shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(b) At any time during the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 992.42 *Accounting*. (a) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

(b) If, upon termination of the marketing agreement and order program and after reasonable effort by the committee, it is found impossible to return excess funds to handlers, such funds shall, with the approval of the Secretary, be turned over to an appropriate agency serving potato producers in the production area.

(c) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members,

a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

§ 992.43 *Funds*. All funds received by the committee pursuant to any provisions of this subpart shall be used solely for the purposes specified in this subpart and shall be accounted for in the following manner:

(a) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(b) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

REGULATION

§ 992.46 *Marketing policy*. At the beginning of each fiscal year the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall make the contents of such reports available to producers and handlers by mail, radio, newspapers, or such other or further means as the committee deems desirable.

§ 992.47 *Recommendation for regulations*. (a) It shall be the duty of the committee to investigate supply and demand conditions for grade, size, and quality of potatoes of all varieties. In such investigations the committee shall give due consideration to the following factors:

(1) Market prices of potatoes, including prices by grade, size and quality in wholesale or in consumer packs, or any other shipping units;

(2) Potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets;

(3) Supply of potatoes, by grade, size and quality, in the State of Washington and other production areas;

(4) The trend and level of consumer income; and

(5) Other relevant factors.

(b) The committee shall recommend regulation to the Secretary, in accordance with this subpart whenever it finds, on the basis of the foregoing investigation, that such conditions make it advisable:

(1) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of table stock or seed potatoes or both, during any period; or

(2) To regulate the shipment of particular grades and sizes of potatoes dif-

ferently for different varieties, for different portions of the production area, for consumer or wholesale packs, for table stock and seed, or any combination of the foregoing, during any period; or

(3) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 992.48 *Issuance of regulation.* (a) The Secretary shall limit the shipment of potatoes as set forth in this subpart whenever he finds from the recommendation and information submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act:

(1) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of table stock or seed potatoes, or both, during any period; or

(2) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs, for table stock and seed, or any combination of the foregoing, during any period; or

(3) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers.

§ 992.49 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 992.40 to 992.53, inclusive.

§ 992.50 *Shipments for specified purposes.* (a) The Secretary upon the basis of recommendations of the committee, or upon the basis of other available information, may modify, suspend, or terminate regulations issued pursuant to §§ 992.40 to 992.53, inclusive, or any combination thereof, in order to facilitate shipments of potatoes for the purposes specified in subparagraphs (1) to (4) of this paragraph, whenever he finds that such actions tend to effectuate the declared policy of the act; adequate safeguards may be established, pursuant to paragraph (c) of this section, to prevent such shipments from entering channels of trade for other than the specified purpose:

(1) Shipments of potatoes for export;

(2) Shipments of potatoes for distribution by the Federal government, for distribution by relief agencies, or for consumption by charitable institutions;

(3) Shipments of potatoes for the purpose of having such potatoes manufactured or converted into specified products or byproducts;

(4) Shipments of potatoes for livestock feed or for other specified purposes.

(b) Whenever the shipments of seed potatoes are not subject to the same regulations as shipments of table stock potatoes, issued pursuant to §§ 992.40 to 992.53, inclusive, or any combination thereof, the committee, with the ap-

proval of the Secretary, may prescribe adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipment from seed potato channels.

(c) The committee, with the approval of the Secretary, may prescribe adequate safeguards, authorized by paragraphs (a) and (b) of this section, which safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to this section;

(2) Handlers shall obtain Federal-State inspection provided by § 992.53 and pay the pro rata share of expenses provided by § 992.41 in connection with potato shipments effected under the provisions of this section: *Provided*, That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) (i) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under the provisions of this section. The committee with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of such Certificates of Privilege.

(ii) The committee shall make a weekly report to the Secretary showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and other information as may be requested by the Secretary. The committee may rescind or deny Certificates of Privilege to any shipper if evidence is obtained that potatoes shipped by him for the purposes stated above have entered the current of interstate or foreign commerce, or have directly burdened, obstructed, or affected such commerce contrary to the provisions of this subpart.

(d) (1) The Secretary shall give prompt notice to the committee of any modification, suspension, or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

(2) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

INSPECTION AND CERTIFICATION

§ 992.53 *Inspection and certification.*

(a) During any period in which the Secretary regulates the shipment of potatoes pursuant to the provisions of this subpart, each handler who first ships potatoes shall, prior to making shipment, cause each shipment to be inspected by an authorized representative of the Federal State Inspection Service or such other inspection service as the Secretary shall designate.

(b) Each such handler shall make arrangements with the inspecting agency to forward promptly to the committee a copy of such inspection certificate: *Provided, however*, That (1) each handler making shipments of potatoes during such period shall prior to making

such shipment, determine if such shipment has been inspected and if such shipment has not been so inspected and is not covered by an inspection certificate, each handler making such determinations shall have such potatoes inspected and shall arrange for a copy of the inspection certificate to be forwarded to the committee as aforesaid, and (2) each handler who first ships potatoes after such potatoes are regraded, resorted, or repacked, or in any other way further prepared for market shall have each shipment of such potatoes inspected as provided in this section.

EXEMPTIONS

§ 992.56 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 992.57 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 992.48 he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area; and (2) that the grade, size or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of sale.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 992.48 he will be prevented from shipping as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings shipped by all handlers in said applicant's immediate shipping area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to ship the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of sale.

(c) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 992.58 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on

the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 992.59 *Review, records, and reports of exemptions.* (a) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 992.56, 992.57, 992.58, or any combination thereof.

(b) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

EFFECTIVE TIME AND TERMINATION

§ 992.62 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ 992.63 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before May 31 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 992.64 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims

for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 992.65 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

MISCELLANEOUS PROVISIONS

§ 992.70 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 992.71 *Compliance.* Except as provided in this subpart, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

§ 992.72 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said committee

shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 992.73 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except, with respect to acts done under and during the existence of this subpart.

§ 992.74 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 992.75 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 992.76 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 992.77 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof, to any other person, circumstance, or thing, shall not be affected thereby.

§ 992.78 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

SUBPART—RULES AND REGULATIONS

SOURCE: §§ 992.100 to 992.124 appear at 15 F. R. 573.

DEFINITIONS

§ 992.100 *Order.* "Order" means Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington.

§ 992.101 *Marketing agreement.* "Marketing agreement" means Marketing Agreement No. 113.

§ 992.102 *Terms.* Terms used in this subpart shall have the same meaning as set forth in said marketing agreement and order.

§ 992.103 *Area determinations.* The State of Washington Potato Committee determines, pursuant to §§ 992.70 to 992.73, inclusive, that:

(a) "Immediate production area" means each one of the districts established pursuant to § 992.27; and

(b) "Immediate shipping area" means each one of the districts established pursuant to § 992.27.

EXEMPTION CERTIFICATES

§ 992.110 *Application.* Any producer or handler applying for exemption from grade and size regulations issued under this part shall make application to the State of Washington Potato Committee on forms to be furnished by the committee. Such application shall state:

(a) The name and address of the applicant for exemption;

(b) The location of the farm or farms on which potatoes for which exemption is requested were produced or the location of the storage where such potatoes are held;

(c) The quantity of potatoes produced by the applicant, by grade and size for each variety produced;

(d) The quantity of ungraded potatoes purchased by the applicant during or immediately following the digging season and stored, and the grade and size thereof by varieties;

(e) The quantity of potatoes, by varieties, grades, and sizes, which have been sold or otherwise disposed of during the current season and the quantity remaining to be shipped of (1) potatoes produced, and (2) ungraded potatoes purchased and stored by the applicant;

(f) A statement (1) of the reason why the quantity of potatoes for which exemption is requested do not meet the requirements of the grade and size regulation in effect, and (2) that by reason of such regulation the applicant will be prevented from handling as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area, or as large a proportion of his storage holdings as the average proportion of storage holdings handled by all handlers in said applicant's immediate shipping area;

(g) The name and address of the handler who will ship the potatoes; and

(h) Such other information as the committee may find necessary in making a determination regarding the granting of a certificate of exemption.

§ 992.111 *Issuance of certificate.* (a) The State of Washington Potato Committee shall give prompt consideration to all statements and facts relating to each application for exemption and shall determine from such statements and facts, and from the applicable terms of the marketing agreement and order, whether or not the application shall be approved. The determination, if favorable, shall be evidenced by the issuance of a certificate of exemption pursuant to §§ 992.70 to 992.73, inclusive. If the applicant's request for exemption is denied he shall be so notified in writing.

(b) Each certificate of exemption issued, as provided in this subpart, shall contain the name and address of the applicant; the location of all of the applicant's remaining potatoes; the total quantity of potatoes which may be handled under the certificate of exemption; and the exceptions from the grade and size regulations which will be permitted by the exemption granted.

§ 992.112 *Transfer of certificate.* (a) Certificates of exemption issued to producers shall be transferred with such potatoes at time of sale; *Provided, however,* That the committee may issue appropriate subcertificates to a producer applicant to whom a certificate of exemption is granted in cases where more than one sale is involved in disposing of exempted potatoes. Each such sale shall be covered by a subcertificate and such subcertificate shall be transferred with such potatoes at the time of sale.

(b) The producer shall notify the committee promptly following such transfer and shall state the name and address of the person to whom the potatoes were sold, quantity sold, date of transfer, and such other information as the committee may request.

§ 992.113 *Reports.* Handlers shall report to the committee each shipment of potatoes made under a certificate of exemption and shall supply the committee with such other information as the committee finds necessary to keep the handling of potatoes pursuant to such exemptions within the quantity and terms specified in the certificates applicable thereto.

§ 992.114 *Appeals.* Appeals from determinations of the committee pursuant to this subpart shall be submitted to the committee, pursuant to § 992.72, within ten days after receipt of the determination by an applicant for exemption.

CERTIFICATES OF PRIVILEGE

§ 992.120 *Application.* (a) Pursuant to the provisions of §§ 992.54 and 992.57 and when shipments for the following purposes are not subject to regulation pursuant to §§ 992.50 to 992.57, inclusive, all handlers desiring to make shipments of potatoes for export, shipments of potatoes for distribution by relief agencies or for consumption by charitable institutions, shipments of potatoes for the purpose of having such potatoes manufactured or converted into non-food products, shipments of potatoes for livestock feed, or shipments of seed potatoes, shall first apply to the committee for and obtain a Certificate or Certificates of Privilege permitting the proposed shipments.

(b) Applications for Certificates of Privilege shall be made on a form furnished by the committee. Such applications, except those pertaining to shipments of seed potatoes, shall contain the name and address of the handler, the estimated amount of potatoes to be shipped, the grades and sizes of potatoes to be shipped, name of consignee, destination, proof of contract, and such other information as the committee may require in safeguarding against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates of Privilege were granted.

(c) Applications pertaining to shipments of seed potatoes shall contain the name and address of the handler, the estimated amount of seed potatoes to be shipped, and such other information as the committee may require in safeguarding against the entry of such potatoes

into table stock channels. The said handler shall agree to ship such potatoes only for the purpose specified on the Certificate or Certificates of Privilege.

§ 992.121 *Shipments of seed potatoes.* Each handler of seed potatoes, when shipments of seed potatoes are not subject to regulation pursuant to §§ 992.50 to 992.57, inclusive, shall ship such potatoes only under a Certificate of Privilege and shall furnish or cause to be furnished through the official seed potato certifying agency of the State of Washington, or other seed certification agencies which the Secretary may recognize, a certificate for each shipment which shall contain the name and address of the handler, car or truck number, quantity shipped, variety, and destination. Each such certificate shall be treated as confidential, and the information thereon shall be divulged only to those persons so authorized by the committee. All such shipments pursuant to this subpart shall be subject to assessment.

§ 992.122 *Commercial shipments other than seed potatoes.* Each handler shipping potatoes (other than certified seed) for any purpose set forth in § 992.120, shall supply the committee, upon request, with a report of shipments which did not meet the grade and size regulations in effect at the time of shipment. Such report shall state: Name and address of the handler, car or truck number, Federal-State Inspection Certificate number, loading point, destination, and consignee. Such reports shall be treated as confidential, and the information thereon shall be divulged only to those persons so authorized by the committee. All such shipments pursuant to this section shall be inspected by the Federal-State Inspection Service and shall be subject to assessment.

§ 992.123 *Government purchases.* All shipments of potatoes purchased by the Commodity Credit Corporation in accordance with the provisions of the price support program and billed by or at the direction of the U. S. Department of Agriculture shall be subject to inspection by the Federal-State Inspection Service and to assessment, but are not otherwise subject to the requirements for a Certificate of Privilege.

§ 992.124 *Denial and appeal.* The committee may rescind a Certificate, or Certificates of Privilege issued to a handler pursuant to this subpart, or deny Certificates of Privilege to a handler, upon proof satisfactory to the committee that such handler has shipped potatoes contrary to the provisions of this subpart. Such committee action denying a Certificate or Certificates of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded may appeal to the committee for reconsideration. Such appeal shall be in writing.

[F. R. Doc. 52-3886; Filed, Apr. 3, 1952; 8:49 a. m.]

TITLE 14—CIVIL AVIATION**Chapter II—Civil Aeronautics Administration, Department of Commerce****PART 612—AERONAUTICAL FIXED COMMUNICATIONS****Correction**

In F. R. Doc. 51-6979, appearing at page 5835 of the issue for Tuesday, June 19, 1951, the following change should be made:

In the 14th line of § 612.2 (c), the comma following the word "operations" should be deleted.

TITLE 16—COMMERCIAL PRACTICES**Chapter I—Federal Trade Commission****Subchapter B—Trade Practice Conference Rules****PART 62—COMMERCIAL COLD-STORAGE INDUSTRY**

CROSS REFERENCE: For supersedure of the trade practice rules for the commercial cold-storage industry contained in Part 62, see Part 212 of this subchapter, *infra*.

[File No. 21-120]

PART 212—PUBLIC REFRIGERATED STORAGE INDUSTRY**PROMULGATION OF TRADE PRACTICE RULES**

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of April 4, 1952.

Statement by the Commission. Revised trade practice rules for the public refrigerated storage industry, formerly known as the commercial cold storage industry, are promulgated by the Federal Trade Commission as hereinafter set forth.

The industry is composed of persons, firms, corporations and organizations engaged commercially in the business of providing cold storage facilities and public refrigerated warehouse space for the storage of fruits, vegetables, and other products received and awaiting re-shipment to final destination in the course of commerce and for which it issues warehouse receipts and furnishes certain other services incidental thereto. According to available information, there are over seven hundred public refrigerated warehouses which are valued at approximately a billion dollars and which provide more than 450,000,000 cubic feet of refrigerated warehouse space.

The rules constitute a revision of those promulgated for the industry on November 9, 1931. Numerous changes embodying clarification of the applicable

requirements of laws administered by the Commission have been made.

Primary objectives of the rules are the maintenance of free and fair competition in the industry and the elimination and prevention of unfair methods of competition, unfair acts or practices, and other trade abuses. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or which otherwise restrain trade. The rules are designed to meet particular needs of the industry and should not be construed as covering all acts or practices prohibited by the laws administered by the Commission, nor as affecting the application of the "United States Warehouse Act" of 1916 as amended, or any state or municipal statute or ordinance relating to the issuance of warehouse receipts or any other phase of the business of public refrigerated storage.

Proceedings to revise the trade practice rules as previously promulgated for this industry were instituted upon application made by industry members. A draft of a proposed revision of such rules, prepared in cooperation with industry representatives, was discussed at a trade practice conference held in Chicago, Illinois. Subsequently, proposed rules in appropriate form were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments or objections as they desired to offer, and to be heard in the premises. Pursuant to such notice, the public hearing was held in Boston, Massachusetts, and all matters there presented, or otherwise received in the proceeding, were duly considered.

Upon consideration of the entire proceeding, the Commission approved and received, respectively, the Group I and Group II rules as hereinafter set forth.

Such rules become operative thirty (30) days from the date of their promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Sec. 212.0 The industry defined.**GROUP I**

- 212.1 Deceptive issuance of warehouse receipts.
- 212.2 Delivering goods when negotiable warehouse receipt is outstanding and uncanceled.
- 212.3 Deception (general).
- 212.4 Commercial bribery.
- 212.5 Selling below cost.
- 212.6 Inducing breach of contract.
- 212.7 Defamation of competitors or false disparagement of their business.
- 212.8 Procurement of competitors' confidential information by unfair means and wrongful use thereof.

- Sec. 212.9 Prohibited forms of trade restraints (unlawful price fixing, etc.).
- 212.10 Aiding or abetting use of unfair trade practices.

GROUP II

- 212.101 Publishing of rates and charges.
- 212.102 Excessive extension of credit and unsound collateral or unsecured loans.
- 212.103 Dissemination of credit information.

AUTHORITY: §§ 212.0 to 212.103 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 212.0 *The industry defined.* This industry is engaged commercially in the business of providing cold storage facilities and public refrigerated warehouse space for the storage of fruits, vegetables, and other products received and awaiting re-shipment to final destination in the course of commerce and for which it issues warehouse receipts and furnishes certain other services incidental thereto.

GROUP I

General statement. The unfair trade practices embraced in §§ 212.1 to 212.10 are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 212.1 *Deceptive issuance of warehouse receipts.* It is an unfair trade practice for any member of the industry to issue, or cause to be issued, a warehouse receipt which, to the knowledge of the industry member, or under such circumstances as are reasonably calculated to impute knowledge to the industry member, is false, misleading, or deceptive in any material respect.

Among the practices inhibited by this section are:

(a) Issuing warehouse receipts without having actual control of the products for which the receipt is issued.

(b) Issuing negotiable warehouse receipts for goods of which the issuer is part or sole owner without full and nondeceptive disclosure of that fact. [Rule 1]

§ 212.2 *Delivering goods when negotiable warehouse receipt is outstanding and uncanceled.* It is an unfair trade practice for any member of the industry to deliver part or all of any lot of stored products for which a negotiable warehouse receipt (the negotiation of which would transfer the right to the possession of such products) has been issued and is outstanding and uncanceled, without obtaining the possession of such receipt, or taking up and canceling the same, or placing plainly upon it a statement of what products have been delivered, at or before the time of the delivery of such products, except where delivery thereof is made pursuant to an order of a court of competent jurisdiction or in compliance with a sale made

to satisfy a lien thereon, or in accordance with state or local regulations or ordinances, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 2]

§ 212.3 *Deception (general)*. It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading, or deceptive statement or representation, by way of advertisement, depiction, or in any other manner having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, with respect to the quality, character, utility, effectiveness, or nature of any public refrigerated space or facilities or services incidental thereto. [Rule 3]

§ 212.4 *Commercial bribery*. It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase, rent, or contract to purchase or rent, public refrigerated space or facilities or services incidental thereto from such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from purchasing or renting public refrigerated space or facilities or services incidental thereto from competitors or from dealing or contracting to deal with competitors. [Rule 4]

§ 212.5 *Selling below cost*. (a) The practice of selling or furnishing public refrigerated space or facilities, or services incidental thereto, at a price less than the cost thereof to the seller or furnisher, with the purpose or intent, and where the effect may be, to injure, suppress, or stifle competition or tend to create a monopoly in this industry, is an unfair trade practice. As used in this section, the term "cost" means the total cost to the seller or furnisher of any such transactions of sale or rental.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and where the effect may be unreasonably to restrain trade, tend to create a monopoly, or substantially lessen competition.

(c) All elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this section. The costs referred to in the section are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 5]

§ 212.6 *Inducing breach of contract*. (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their

customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member; nor is this section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 6]

§ 212.7 *Defamation of competitors or false disparagement of their business*. The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the business of competitors in any material respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 7]

§ 212.8 *Procurement of competitors' confidential information by unfair means and wrongful use thereof*. It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 8]

§ 212.9 *Prohibited forms of trade restraints (unlawful price fixing, etc.)*. It is an unfair trade practice for any member of the industry, either directly or indirectly:

(a) To enter into or take part in any understanding, agreement, combination, or conspiracy, or any planned common course of action, with one or more members of the industry, or with any other person or persons, unlawfully to fix, maintain, or enhance the price of any goods, or otherwise unlawfully to restrain trade; or

(b) To use any form of threat, intimidation, or coercion to induce any member of the industry, or other person or persons, to become a party to any such understanding, agreement, combination, or conspiracy, or any such planned common course of action. [Rule 9]

§ 212.10 *Aiding or abetting use of unfair trade practices*. It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 10]

GROUP II

General statement. Compliance with trade practice provisions embraced in

§§ 212.101 to 212.103 rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of §§ 212.101 to 212.103 does not per se constitute violation of law. Where, however, the practice of not complying with such rules is followed in a manner that will result in unfair methods of competition or unfair or deceptive acts or practices, corrective proceedings in respect thereto may be instituted by the Commission as in the case of violation of §§ 212.1 to 212.10.

§ 212.101 *Publishing of rates and charges*. The industry approves the practice of each individual member independently establishing and openly stating and publishing his rates and charges with applicable terms and conditions. [Rule A]

§ 212.102 *Excessive extension of credit and unsound collateral on unsecured loans*. Reasonable extension of credit and the making of secured loans at prevailing interest rates to storers and customers is normal warehouse business. However, extending excessive credit, and making or offering to make collateral or unsecured loans not in conformity with current sound banking principles, are condemned by the industry. [Rule B]

§ 212.103 *Dissemination of credit information*. The industry records its approval of distributing to its members information covering delinquent and slow accounts in so far as this may lawfully be done. [Rule C]

Industry Committee. A Committee on Trade Practices is hereby authorized to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper in the furtherance of fair competitive practices and in promoting the effectiveness of this part.

Issued: March 31, 1952.

Promulgated by the Federal Trade Commission April 4, 1952.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 52-3794; Filed, Apr. 3, 1952;
8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 10 to
Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES AND MAIL ORDER ESTABLISHMENTS: STATEMENT OF SERVICE CHARGES

SERVICE CHARGES PERMITTED BY ORDER

Pursuant to the defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; Public Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency Gen-

eral Order No. 2 (16 F. R. 738), this Amendment 10 to Supplementary Regulation 1 of Ceiling Price Regulation 7 (16 F. R. 1895) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is required in order to permit purchasing offices of chains which customarily made their service charges on a basis which cannot be stated, either in whole or in part, in terms of a fixed percentage or dollar-and-cents markup to apply for an order authorizing the use of a formula which will approximate their customary practice and which will in general reflect handling or service charges no greater than those on which the markups of the retail outlets were based during a representative period prior to February 27, 1951. Under the original section 6 a purchasing office of a chain could not state, and hence could no longer make to its retail outlets, any charge based in part on the exercise of discretion with respect to individual items or market conditions. Failure to provide some means of reflecting these bases for making service charges would result in some cases in decreasing use of these purchasing offices, with consequent higher net costs to the outlets and higher ceiling prices at the retail level.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 1 of Ceiling Price Regulation 7 is amended as follows:

1. Section 6 (c) (2) (ii) (a) is amended to read as follows:

(a) If you made different charges for different kinds of articles or for different price lines, state the charge for each. State your charge either as a percentage of the invoice cost of the article (indicate whether net or gross cost) or as a dollar-and-cents amount, whichever has been your customary practice. If you customarily make your charge on some other basis, state the charge or the basis. For example, if your practice was to retain discounts and to charge your retail outlets with gross invoice costs, state that fact.

If you made any charges which cannot be stated in terms of gross and net invoice costs, or percentages of these costs, or in dollar-and-cents amounts, you may apply to the Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., for an order prescribing a method whereby these other charges may be reflected in the statements of cost which you send to your retail outlets. The Director may issue such an order if, in your application, you describe your customary method of making these charges, you propose a detailed method by which these charges may be reflected, and you show that under your proposed method your retail outlets will receive invoices which will in general reflect handling or service charges no greater than those on which their mark-

ups were based during a representative period prior to February 27, 1951.

2. In the first sentence of the second unnumbered paragraph of paragraph (d) of section 6, substitute for the word "ordered" the words "authorized or required."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on the 7th day of April 1952.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 2, 1952.

[F. R. Doc. 52-3898; Filed, Apr. 2, 1952;
10:20 a. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 25]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 25—DOMESTIC AND COMMERCIAL AUTOMATIC TEMPERATURE CONTROLS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 25 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation provides that manufacturers of domestic and commercial automatic temperature controls, as covered herein, establish their ceiling prices by applying a uniform industry price adjustment factor of 3.9 percent to their General Ceiling Price Regulation (GCPR) ceiling prices.

A uniform price pattern for the bulk of production in this industry prevailed in the pre-Korean base periods and in the GCPR base period. The application of CPR 22 provisions result in different ceilings for individual manufacturers, however, since each manufacturer's ceiling under CPR 22 would be based on individual company pre-Korea prices and cost changes. Accordingly, after the issuance of CPR 22, automatic temperature controls manufacturers requested that they be provided with an industry-wide ceiling price adjustment rather than the individual pricing provisions of CPR 22.

A study of this problem was undertaken by the Office of Price Stabilization early in the fall of 1951. A uniform industry adjustment factor was computed on the basis of data from thirteen firms, representing more than 80 percent of the dollar sales, who submitted OPS Public Forms 8 pursuant to CPR 22 and Supplementary Regulation 2 (SR 2) to that regulation. Although this industry adjustment factor results in ceilings 3.9 percent higher than GCPR ceilings, it will result in ceiling prices which are lower than permissible CPR 22 ceilings applicable to manufacturers representing a large percentage of industry sales. On the average, the level of ceiling prices under this supplementary regulation will not be higher than the level of ceilings under CPR 22.

At the time the discussions with this industry began in 1951, the Agency's industry earning standard was still in the process of development, and the early discussions with the manufacturers were on the basis of an industry-wide factor under CPR 22. In general, at this time, if ceiling price levels are represented to be no longer generally fair and equitable, OPS stands ready to give necessary price relief if a study of the industry indicates that such relief is required under the industry earning standard, or under a product standard applied on an industry-wide basis.

This supplementary regulation is intended as an interim measure and will be superseded, if necessary, by a tailored regulation.

In formulating this supplementary regulation, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are fair and equitable, and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.

1. Applicability.
2. Ceiling prices.
3. Relation to CPR 22.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. Applicability—(a) Persons covered. (1) If you are a manufacturer of commodities covered by this supplementary regulation, it applies to you and establishes your ceiling prices for your sales of automatic temperature controls as defined in paragraph (b) of this section.

(2) All the provisions of Ceiling Price Regulation 22 (CPR 22) shall be applicable to you in your sales of the commodities covered by this supplementary regulation except as those provisions are modified and supplemented by the provisions set forth in section 2 of this supplementary regulation. You may elect not to use this supplementary regulation only as provided in section 3 of this supplementary regulation. To this extent section 1 of CPR 22 is superseded.

(b) **Commodities covered.** This supplementary regulation covers automatic temperature controls. For the purposes of this supplementary regulation, automatic temperature controls include the following:

(1) Domestic and commercial automatic temperature controls for governing the transfer of heat to solids, liquids, and gases and for air conditioning and refrigeration.

(2) Automatic controls directly responsive to time, temperature, pressure, humidity, liquid level or other physical condition.

(3) Automatic controls for all household, farm, ranch, restaurant and commercial appliances.

(4) Automatic controls for automobile heating, home heating and cooling.

(5) Automatic safety devices or automatic valves that are part of or used with a control.

(6) Related devices designed primarily for use with the foregoing, but if electrical, not capable of controlling directly motors in excess of 1½ HP single phase or 2 HP polyphase.

(c) *Commodities not covered by this supplementary regulation.* This supplementary regulation does not cover the following commodities:

(1) Industrial process and aircraft controls.

(2) Steam specialties, such as traps and vents.

(3) Manually operated valves of all kinds.

(4) Radiator and refrigerator expansion valves.

SEC. 2. Ceiling prices.—(a) *Domestic and commercial automatic temperature controls.* Your ceiling price for the sale of any item in the category of controls (as defined in section 1 (b) above) is your ceiling price in effect under the GCPR increased by 3.90 percent (i. e., 103.9 percent of your GCPR prices). You may round your ceiling prices determined under this regulation so that they will be expressed in the nearest five cents. For example, if your ceiling price for commodity A is \$9.18, you may round that ceiling price to \$9.20. However, if your ceiling price for commodity B is \$7.82, you must round its ceiling price to \$7.80. If you elect to so round, you must similarly round the ceiling prices for all your commodities covered by this supplementary regulation to reflect decreases as well as increases.

(b) *Terms and conditions of sale.* Your ceiling price for the sale of any automatic temperature controls as established under this supplementary regulation must be consistent in every respect with your GCPR price; that is, it must carry all customary delivery terms, cash, trade and volume discounts, allowances, premiums, and extras, deductions, guarantees, servicing terms, and other terms and conditions of sale.

SEC. 3. Relation to CPR 22—Industry-wide adjustment. (1) Your ceiling prices as established by this regulation are in lieu of your right to compute and establish your ceiling prices for the sales of automatic temperature controls under the provisions of CPR 22. To the extent that CPR 22 authorizes you to determine or redetermine, and establish a ceiling price for automatic temperature controls based upon your labor and materials adjustment factors, the provisions of CPR 22 and SR 2 thereof are hereby superseded. However, you may elect to use Supplementary Regulation 17 (SR 17) or Supplementary Regulation 18 (SR 18) to CPR 22; but if you do elect to use SR 17 or SR 18 to CPR 22, you are required to use the provisions of CPR 22 and you may use the provisions of SR 2 thereof to the extent provided by SR 17 or SR 18. You may not, in the event you use SR 17 or SR 18, use the provisions of this supplementary regulation.

(2) Establishment of ceiling prices by you for automatic temperature controls

under this supplementary regulation does not alter the provisions of CPR 22 in regard to any other commodities you manufacture covered by that regulation.

Effective date. This supplementary regulation shall become effective April 7, 1952.

ELLIS ARNALL,

Director of Price Stabilization.

APRIL 2, 1952.

[F. R. Doc. 52-3901; Filed, Apr. 2, 1952; 4:00 p. m.]

[Ceiling Price Regulation 84, Amdt. 2]

CPR 84—CERTAIN CONVERTED PAPERBOARD PRODUCTS

MODIFICATION OF THE RAW MATERIAL FACTOR

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 84 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 84, as stated in its Statement of Considerations, established ceiling prices which were approximately the same as the prices in effect during the General Ceiling Price Regulation period of December 19, 1950 through January 25, 1951. Converters subject to the regulation were given the option of filing their price lists in effect during January 25th through February 24, 1951, and thus establishing their ceiling prices, or using a formula method of determining their ceiling prices. The raw material factor of the formula required the reduction of ceiling prices as the actual or estimated actual cost or transfer price of the raw material decreased.

Changes in the market for raw materials used by this industry could result in an inequity to persons pricing under the formula method because while their ceiling prices would automatically be lowered as their raw material costs decreased, the ceiling prices established by price lists would remain constant. Moreover, under the present formula pricing, converters who produce their own raw material would establish widely divergent ceiling prices if some transfer at cost and others transfer at market. Therefore, to prevent the development of these inequities this amendment to Ceiling Price Regulation 84 is issued.

This amendment provides that in calculating their raw material factor for raw materials furnished by an independent supplier, converters may use, and shall not exceed, the ceiling price of the raw material as initially established by a tailored regulation or, until such a tailored regulation is issued, the highest cost which they used during the base period. For material not used in the base period, and for which no tailored ceiling price has been established, converters may not exceed their supplier's ceiling price during the base period or, if none existed at that time, as soon thereafter as a ceiling price was established by him. However, in determining their raw material factor for raw ma-

terial furnished by a supplier with whom they are financially connected, converters may use and shall not exceed the lower of (1) the highest price actually used in their estimate during the base period, or (2) the ceiling price initially established by a tailored regulation. Thus, the level of ceiling prices existing under the General Ceiling Price Regulation is maintained. Normal competition in this industry will result in raw material cost decreases being reflected in selling prices which are below ceiling prices.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration was given to their recommendations. The provisions of this amendment incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 84 is amended in the following respects:

1. Subdivisions (i) and (ii) of section 3 (a) (1) are deleted and the following subdivisions (i) and (ii) substituted therefor respectively:

(i) Except as provided in subdivision (ii) below, in calculating your raw material factor, you may use, and shall not exceed, the ceiling prices of the raw materials as initially established by a tailored regulation, or, until such a regulation is issued, the highest costs of such raw materials which you used during the period January 25th through February 24, 1951. Your raw material costs shall be calculated in your base period manner. If you now use a material which you did not use in the base period, and a ceiling price has not been established for such raw material by a tailored regulation, you may use a cost not to exceed your supplier's ceiling in effect during the base period, or if he had none at that time, the initial ceiling price subsequently established by him.

(ii) If you are a converter who is fully or partly owned or controlled by, or financially connected with your raw material supplier, in determining your raw material factor with respect to the raw material furnished by such supplier you may use, and shall not exceed, the highest price you actually used in your estimate during the base period, or the ceiling price initially established by a tailored regulation, whichever is lower. You shall use the same accounting methods, classifications, and quantity variations which you used in the base period.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on April 1, 1952.

ELLIS ARNALL,

Director of Price Stabilization.

APRIL 1, 1952.

[F. R. Doc. 52-3877; Filed Apr. 1, 1952; 4:55 p. m.]

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 53]

GCPR, SR 53—ADJUSTMENT OF CIGARETTE "LOSS-LEADER" PRICES COVERED BY ARKANSAS STATUTE

POSTPONEMENT OF EFFECTIVE DATE OF REVOCATION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, Amendment 2 to the revocation of Supplementary Regulation 53 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment postpones until April 16, 1952, the revocation of Supplementary Regulation (SR) 53 to the General Ceiling Price Regulation.

The revocation of SR 53 was postponed until April 1, 1952, to permit the Director to consider the arguments advanced in favor of the requests to reinstate and extend SR 53. The proponents of SR 53 have not completed the presentation of their arguments to the Director and have requested an extension of time to permit them to complete their case.

To permit the complete presentation of the arguments advanced in favor of the reinstatement and extension of SR 53 and to permit a decision on this matter without further delays, this amendment postpones the revocation of SR 53. If it is decided not to reinstate SR 53, the revocation will become effective on April 16, 1952. On the other hand, if it is decided to reinstate and extend SR 53, an appropriate regulation will be issued on or before April 16 to become effective immediately thereafter.

AMENDATORY PROVISIONS

The last paragraph of the revocation of Supplementary Regulation 53 to the General Ceiling Price Regulation is amended to read as follows:

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, Supplementary Regulation 53 to the General Ceiling Price Regulation (16 F. R. 808) is hereby revoked effective April 16, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment shall become effective April 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 1, 1952.

[F. R. Doc. 52-3876; Filed, Apr. 1, 1952; 4:54 p. m.]

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 55]

GCPR, SR 55—SUSPENSION OF SAWMILL LOGS PRODUCED IN ALASKA

EXTENSION OF EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization

Agency General Order No. 2, this Amendment 2 to Supplementary Regulation 55 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 55 extends for an additional 90-day period the exemption of sawmill logs established by Supplementary Regulation 55, as amended, to the General Ceiling Price Regulation. Supplementary Regulation 55, as amended, exempts from the provisions of the General Ceiling Price Regulation, until March 31, 1952, the sale and purchase in Alaska of sawmill logs produced and used in Alaska.

As the Office of Price Stabilization pointed out in the Statement of Considerations accompanying Amendment 1 to this Supplementary Regulation, which amendment extended the period of exemption from December 31, 1951 to March 31, 1952, the reversion of sawmill logs to the control of the General Ceiling Price Regulation would create a chaotic condition in the industry. New contracts have been entered into by the sawmills and loggers and are based upon prices in effect under this exemption and, therefore, somewhat above the General Ceiling Price Regulation level. The Office of Price Stabilization is not yet ready to take final action in this matter.

Because of the emergency nature of this action and because it extends relief already granted, the Director of Price Stabilization has not conferred with the industry. In the opinion of the Director, however, this amendment is necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. The effective date provision of Supplementary Regulation 55 to the General Ceiling Price Regulation is amended as follows: Delete so much of the section as reads "to March 31, 1952," and substitute therefor "June 30, 1952," so that the effective date provision as amended reads as follows:

Effective date. This supplementary regulation shall be effective from August 30, 1951 to June 30, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Supplementary Regulation 55 to the General Ceiling Price Regulation is effective as of April 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 2, 1952.

[F. R. Doc. 52-3899; Filed, Apr. 2, 1952; 10:20 a. m.]

[General Overriding Regulation 27]

GOR 27—APPROVAL OF PRICES IN LONG TERM CONTRACTS FOR SALES OF CERTAIN CHEMICALS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order No. 10161, and Economic Stabilization

Agency General Order 2, this General Overriding Regulation 27 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation permits a seller of certain chemicals under a long term contract made prior to price control to apply for permission to put into effect the pricing provisions of the contract in lieu of his present ceiling prices. It applies only to certain limited situations where sellers entered into long term contracts in good faith prior to price control and then found themselves unable, because of price control, to put into effect certain pricing provisions of the contract. Of the cases now known to the Director, all but one involve long term contracts made prior to June 1950.

Typical cases covered by this regulation are the case of a long term contract by a chemical manufacturer to buy all or a large part of the output of the seller's plant, and the case where a seller entered into a long term contract which required the construction of new facilities to produce the buyer's requirements.

The provisions of these long term contracts protect the seller from unforeseen contingencies. With such protection, the seller could contract to sell the chemical at prices lower than those charged in the open market. An escalation clause or cost-plus provision made it possible for the seller to set his base price close to total costs, without regard to his capacity to absorb subsequent cost increases. Under existing regulations, the seller is unable to put into effect the escalation or cost-plus provisions, and is thus severely limited in absorptive capacity. In one instance where the seller erected new facilities on the basis of a long term contract entered into with the buyer for additional supplies, he made deliveries during the GCPR base period under an old contract, and so was frozen at the old price which did not properly reflect the new costs which the seller agreed to assume. Since the seller entered into this contract in good faith prior to price control, it is believed that he should be permitted to give effect to the pricing provisions of the new contract.

The terms of the regulation are limited to certain specified commodities—petroleum cracking catalysts, ethyl chloride, and synthetic ethyl and isopropyl alcohols. The problems in these fields are known to the Director, and on the basis of the facts now available, it is his opinion that the application of the regulation to these commodities will not adversely affect the price control program.

Certain safeguards are specified in this regulation. First, when a general level of ceiling prices exists for a commodity, adjustments of a seller's ceiling price under this regulation will be limited to such general level of prices. Second, a price increase granted under this regulation cannot be made the basis of subsequent increases in price for that commodity or any other commodity. Finally, the Director must be satisfied that any specific price adjustment granted would not affect the stabilization program adversely. Thus, the impact of the price adjustments made under this

regulation should be negligible as far as the national economy is concerned.

In the formulation of this regulation, there was consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration was given to their recommendations.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Commodities covered by this regulation.
3. Application.
4. Action by the Director.
5. Effect of Director's approval.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. What this regulation does. This regulation permits a seller who entered into a long term written contract prior to January 26, 1951, for the sale of a chemical, listed in section 2 of this regulation, to apply for permission to put into effect the pricing provisions of that contract in the place of his present ceiling prices, notwithstanding the provisions of any other regulation. A long term contract is one obligating the seller to make deliveries of the chemical for a period of more than one year.

SEC. 2. Commodities covered by this regulation. (a) Catalysts used in petroleum cracking processes, (b) ethyl chloride, (c) synthetic ethyl alcohol, (d) synthetic isopropyl alcohol.

SEC. 3. Application—(a) Seller's application. Your application as a seller of a chemical listed in section 2 for permission to put into effect the pricing provisions of your long term contract in place of your existing ceiling prices must be filed with the Rubber, Chemicals and Drugs Division, Office of Price Stabilization, Washington 25, D. C. The application must contain the following information:

- (1) Your name and address.
- (2) Your buyer's name and address.
- (3) A statement that you are applying under this regulation.
- (4) Name and description of the chemical involved.
- (5) A showing that your contract was entered into prior to January 26, 1951.
- (6) A showing that you are obligated to make deliveries of the chemicals for a period of more than one year.
- (7) The prevailing ceiling prices for the chemical involved, and names and addresses of chemical manufacturers whose ceiling prices are cited.

In addition to the foregoing, your application must be accompanied by a copy of your contract.

(b) Buyer's statement. Upon receipt of your application, the Office of Price Stabilization will request of the buyer a statement containing the following information:

- (1) His name and address.
- (2) The type of business in which he is engaged and the use to which he puts the chemical involved.

(3) That he agrees to the prices provided by the terms of the contract.

(4) That any change in costs to him as a result of the approval of the provisions of such contract will not be used as a basis for requesting or obtaining any increase in the ceiling prices of commodities sold by him or for obtaining ceiling prices for such commodities which are higher than would otherwise be allowable.

SEC. 4. Action by the Director. You may not increase your ceiling prices by putting into effect the pricing provisions of your long term contract until the Director of Price Stabilization issues an order permitting you to do so. Upon the issuance of such order the prices determined in accordance with the contract shall become your new ceiling prices as to the buyer who is party to the contract to the extent provided in the order. The Director will issue such order if he finds:

(a) That you are subject to and have complied with the provisions of this regulation.

(b) That approval of the pricing provisions of your contract cannot reasonably be expected to cause the buyer to request increases in his ceiling prices.

(c) That approval of the pricing provisions of the contract will not cause your ceiling prices to exceed the general level, if any, of the ceiling prices prevailing for the commodity in question. The Director may approve the pricing provisions of the contract in part only, if he finds that full approval will cause your ceiling prices to exceed such general level of prevailing ceiling prices.

(d) That approval of the pricing provisions of the contract would not be inconsistent with the purposes of Title IV of the Defense Production Act of 1950, as amended.

The Director may, at the time of issuing his order, or at any time thereafter, require you to submit reports of your prices in effect during any period specified by him. The Director may modify or revoke his order at any time.

SEC. 5. Effect of Director's approval. (a) The approval of the pricing provisions of a contract changes the ceiling prices only to the buyer who is party to the contract and does not change the seller's ceiling prices to other buyers. If a seller's application is granted, the buyer who is party to the contract shall thereafter be precluded from obtaining an increase in his ceiling prices on the basis of any change in costs to him resulting from such approval or from obtaining ceiling prices higher than otherwise allowable.

(b) The ceiling prices established under this regulation shall not be used as a basis for establishing or increasing the ceiling prices for the sale of any other commodity, or for the sale of the same commodity to any buyer other than the one who is party to the contract involved, or for the sale of the same commodity by any other seller.

Effective date. This regulation shall become effective April 7, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,

Director,

Office of Price Stabilization.

APRIL 2, 1952.

[F. R. Doc. 52-3900; Filed, Apr. 2, 1952; 10:20 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 91]

GCPR, SR 91—ADJUSTMENT OF CEILING RATES OF CONTRACT WATER CARRIERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 91 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to the General Ceiling Price Regulation is issued for the purpose of providing a means of adjusting the rates of contract water carriers.

The rates of contract water carriers were frozen by the General Ceiling Price Regulation at the levels charged during the base period, December 19, 1950, through January 25, 1951. The General Ceiling Price Regulation makes no provision for rate adjustments for individual carriers.

Subsequent to the issuance of the General Ceiling Price Regulation, certain specific regulations affecting the rates of contract water carriers have been issued. Supplementary Regulation 12 to the General Ceiling Price Regulation, effective March 14, 1951, and Amendment 1 thereto, effective May 2, 1951, established the ceiling rates of domestic contract water carriers on the Great Lakes and other northern inland waterways at essentially the levels agreed to for the 1951 shipping season. Supplementary Regulation 44 to the General Ceiling Price Regulation established dollar and cent ceiling rates for the transportation of sulphur, phosphate rock and soda ash in bulk between Gulf ports and from Gulf ports to Atlantic Coast ports. The regulation became effective July 30, 1951. Supplementary Regulation 62 to the General Ceiling Price Regulation, effective September 20, 1951, established dollar and cent ceiling rates for the transportation of coal, in colliers, from Hampton Roads, Virginia, to North Atlantic Coast ports. The three supplementary regulations each established rates which at the time were appropriate for the segments of the shipping industry involved. However, none of them made any provision for adjustments in the ceiling rates of individual carriers.

This supplementary regulation makes possible individual adjustments for the carriers subject to Supplementary Regulations 12, 44, and 62, as well as for other contract carriers by water. Several months ago, consultation with contract

water carrier representatives indicated that there was no general need for any new regulation removing contract water carriers from the provisions of the General Ceiling Price Regulation. Recently, however, a number of contract water carriers have appealed for upward rate adjustments on the basis of increased operating costs. This supplementary regulation is designed to grant such relief. It permits individual contract water carriers who are in a position of financial hardship to apply for adjustments in their ceiling rates to offset increases in their over-all costs of operation. It also permits contract water carriers, in certain circumstances, to apply for higher ceiling rates to offset increases in the costs of a segment of their operations.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their views and recommendations. In the judgment of the Director of Price Stabilization, this supplementary regulation is generally fair and equitable and is necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Applicability.
3. Eligibility for adjustment.
4. Extent of adjustments.
5. Where and how to apply.
6. Disposition of applications.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 P. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. What this regulation does. This supplementary regulation provides for the adjustment, under certain circumstances, of ceiling rates established by the General Ceiling Price Regulation and Supplementary Regulations 12, 44, and 62 thereto, for individual water contract carriers. Except as provided herein, the provisions of the General Ceiling Price Regulation, and of Supplementary Regulations 12, 44 and 62 thereto, apply to all contract water carriers covered by those regulations.

Sec. 2. Applicability. This supplementary regulation applies to all contract water carrier services performed between points in the continental United States, its territories and possessions.

Sec. 3. Eligibility for adjustment. Any contract water carrier may request an adjustment of its ceiling rates if it is necessary to permit the continuance of an essential service and if either of the following is true:

(a) That the carrier is in a position of financial hardship; and the unit costs of the carrier's entire operation are higher than they were during 1949; and that its rates have not been increased since 1949 by an amount equal to or greater than such increase in unit costs; or

(b) That the unit costs of operations directly assignable to a particular segment of the carrier's total operation are higher than they were during 1949 and that its present ceiling rates for that segment of the operation are not sufficient to cover such directly assignable costs: *Provided, however, That, if, during 1949, the rates for such segment did not cover the unit costs directly assignable thereto, it must be shown that the present ceiling rates fall short of covering present directly assignable costs by a larger amount than was the case in 1949.* Any filing made under this paragraph which involves a service performed jointly with another service using the same vessels must show the information required in section 5 (c) for all such jointly performed services.

Sec. 4. Extent of adjustments. (a) If the Director of Price Stabilization determines that a rate adjustment is necessary to permit the continuance of an essential service and if the carrier is in a position of financial hardship and has suffered increases in unit costs as required by paragraph (a) of section 3, the Office of Price Stabilization may authorize increases in rates equal to the increases in unit costs which have occurred since 1949 and which have not been offset by previous rate increases.

(b) If the Director of Price Stabilization determines that a rate adjustment is necessary to permit the continuance of an essential service and if the unit costs of operation directly assignable to the segment in question have increased as required in paragraph (b) of section 3, the Office of Price Stabilization may authorize increased ceiling rates sufficient to provide revenues adequate to cover the costs directly assignable to the segment in question; except that, in the event the applicable rates during 1949 did not produce revenues sufficient to cover the costs directly assignable to the segment in question, the adjustment authorized will be limited to an amount necessary to offset increases since 1949 in unit costs directly assignable to the segment in question.

Sec. 5. Where and how to apply. (a) All requests for adjustment must be submitted, in duplicate, to the Transportation, Public Utilities and Fuels Division, Office of Price Stabilization, Washington 25, D. C.

(b) *Over-all rate adjustments.* Requests for rate adjustments under section 3 (a) shall be made by submitting the following information:

(1) A description of the carrier's operation and of any major changes which have occurred in its operation since January 1, 1949.

(2) Itemized revenue and expense statements, showing major revenue and expense categories, for the most recent 12 months for which data are available, and for the year 1949.

(3) If the applicant requests a rate increase based upon increases which occurred during the most recent 12 months in wages or in the prices of goods and services bought by the applicant, an adjusted statement must be filed showing the effect upon expenses of such cost increases for the full 12 months.

(4) If the data required by subparagraph (2) or (3) of this paragraph are not available or if any strike, natural disaster, major accident or other event occurred during either 1949 or the most recent 12 months such that the data for either or both periods are not truly representative of the applicant's operations, the applicant is to submit a statement describing such event and its effect upon his operating data and is to submit revenue and expense data for the year or years nearest to those specified in subparagraph (2) or (3) for which representative data are available.

(5) The present ceiling rates, the present actual rates if they differ from the ceiling rates, the proposed ceiling rates, the rates charged at the end of 1949, and the effective dates of all such rates.

(6) For the most recent 12 months for which data are available and for the year 1949: The vessel-miles and voyage-days operated, the volume transported expressed in the same units as those used in stating the rates, the number of ton-miles and passenger-miles of service performed.

(c) *Segment rate adjustments.* Request for rate adjustments under section 3 (b) may be made by submitting the following: (1) A description of the carrier's total operation and of the segment in question, and of any major changes which have occurred in either since January 1, 1949.

(2) The directly assignable costs for the segment and the revenues for the segment for the most recent 12 months for which data are available, and for the year 1949.

(3) If the applicant requests a rate increase based upon increases which occurred during the most recent 12 months in wages or in the prices of goods and services bought by the applicant, an adjusted statement must be filed showing the effect upon the directly assignable expenses of such cost increase for the full 12 months; such statement must be accompanied by an explanation of how the adjustment was computed.

(4) If the data required by subparagraph (2) or (3) of this paragraph are not available or if any strike, natural disaster, major accident or other event occurred during either 1949 or the most recent 12 months such that the data for either or both periods are not truly representative of the applicant's operations, the applicant is to submit a statement describing such event and its effect upon his operating data and is to submit revenue and expense data for the year or years nearest to those specified in subparagraph (2) or (3) for which representative data are available.

(5) For the services subject to the application: The present ceiling rates, and the present actual rates if they differ from the present ceiling rates, the proposed rates, the rates charged at the end of 1949, and the effective dates of all such rates.

(6) For the segment in question and for the most recent 12 months for which data are available and for 1949: The vessel-miles and voyage-days operated, the volume transported expressed in the same units as those used in stating the

rates, the number of ton-miles and passenger-miles of service performed.

(7) Over-all revenue and expense statements for the most recent 12 months for which data are available, and for the year 1949.

SEC. 6. Disposition of applications. Upon consideration of the application, the Office of Price Stabilization may issue an order granting or denying in whole or in part the requested adjustment in rates, or may request such additional information as may be deemed necessary.

Effective date. This Supplementary Regulation 91 to the General Ceiling Price Regulation shall become effective April 8, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,

Director of Price Stabilization.

APRIL 3, 1952.

[F. R. Doc. 52-3960; Filed, Apr. 3, 1952; 11:55 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Amendment 3 of March 31, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

Correction

In F. R. Doc. 52-3785, appearing at page 2847 of the issue for Wednesday, April 2, 1952, the bracket heading should read: [CMP Regulation No. 1, Amendment 3 of March 31, 1952].

[NPA Reg. 1, as Amended April 2, 1952]

NPA REG. 1—INVENTORY CONTROL

This regulation, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. Consultation with industry representatives, including trade association representatives, in advance of the issuance of this regulation, as amended, has been rendered impracticable by the fact that it applies to all trades and industries.

This regulation, as amended, affects NPA Reg. 1, as last amended by Amendment 2 of January 28, 1952, by deleting from Table IA certain items under the headings "Chemicals," "Metals and Minerals," and "Leather and Tanning Materials"; adding to Table IA other items (shown therein by asterisk); deleting from Table IB certain items of alloy steel and carbon steel which on April 1, 1952, became controlled materials and are therefore subject to inventory control under CMP Regulation No. 2; changing the number of calendar days' limitation for certain items in Table IB; adding to Table IB certain items (shown

therein by asterisk); deleting from Table II certain items because of revocation of certain M orders previously listed therein or because inventory restrictions have been deleted from certain M orders previously listed; and adding to Table II certain items (shown therein by asterisk). Sections 16, 17, and 19 have been changed to conform to comparable provisions in recent NPA orders and regulations.

As so amended, NPA Reg. 1 reads as follows:

Sec.

1. What this regulation does.
2. Definitions.
3. Materials affected.
4. Persons affected.
5. Restrictions on receipts.
6. Restriction on deliveries.
7. Restrictions on ordering.
8. Adjustment of orders.
9. Receipts permitted after adjustment of orders.
10. Imported materials.
11. Minimum production or sales quantities.
12. Excess inventory.
13. Separate operating units.
14. Relation to other NPA regulations and orders.
15. Defense against claims for damages.
16. Request for adjustment or exception.
17. Records and reports.
18. Communications.
19. Violations.

AUTHORITY: Sections 1 to 19 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. What this regulation does. The purpose of this regulation is to prevent the accumulation of excessive inventories of materials in short supply. It does this by limiting the quantities of such materials that can be ordered, received, or delivered.

SEC. 2. Definitions. As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Practicable minimum working inventory" means the smallest quantity of material from which a person can reasonably meet his deliveries or supply his services on the basis of his currently scheduled method and rate of operation. In the absence of unusual circumstances, a person's inventory will be considered more than a practicable minimum working inventory if the ratio of his inventory to his currently scheduled operations is substantially greater than the ratio which he normally maintained between his inventory and his operations during the recent past.

SEC. 3. Materials affected. This regulation applies only (a) to those materials listed in Table IA or Table IB (as amended from time to time) appearing at the end of this regulation, in the shapes and forms therein specified, or if no particular shape or form of any such material is specified, then in all shapes and forms of such material, and (b) to

such other materials as may be made subject to it by any other NPA regulation or order.

SEC. 4. Persons affected. This regulation applies to all persons buying for use or resale, including resale in export trade, except an ultimate consumer with respect to the buying of materials for his personal or household use.

SEC. 5. Restrictions on receipts. (a) No person may receive or accept delivery of any material listed in Table IA of this regulation, if his inventory of such material is, or by reason of such receipt would become, more than a practicable minimum working inventory.

(b) No person buying for use in production or construction or for use as maintenance, repair, or operating supplies, may receive or accept delivery of any material listed in Table IB of this regulation, if his inventory of such material is, or by reason of such receipt would become, more than a practicable minimum working inventory, or more than the smallest quantity thereof reasonably required to meet his deliveries or supply his services on the basis of his currently scheduled rate of operation during the next succeeding number of calendar days listed for that material in column 2 of Table IB, whichever is less.

(c) In figuring his inventory a person must include all such material referred to in paragraphs (a) and (b) of this section, in his possession or held for his account by others, but not that held by him for the account of others. For the purpose of the restrictions in paragraphs (a) and (b) of this section, a material which is to be further processed is considered to be in inventory until actually put into process or actually installed or assembled. For the purpose of this regulation, processing does not include minor initial operations, such as painting, and does not include any shearing, cutting, trimming, or other operation, unless such initial operation is a part of a continuous fabricating or assembling operation; nor does it include operations such as inspection, testing, and aging, or segregation or earmarking for a specific job.

(d) Any person engaged in a seasonal business or industry who normally stocks inventory in advance of the season may, notwithstanding the restrictions in paragraphs (a) and (b) of this section, accept such advance delivery of his seasonal requirements provided that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated seasonal requirements.

SEC. 6. Restriction on deliveries. No person may deliver any material if he knows, or has reason to believe, that the person requesting delivery is forbidden to receive it by this regulation.

SEC. 7. Restrictions on ordering. (a) No person may place any order calling for delivery of any material earlier, or in larger amounts, than he would be permitted to receive under this regulation.

(b) No person may place separate orders with the same supplier, or with

different suppliers, calling for delivery in the aggregate of any material in excess of the amount he is permitted to receive under this regulation even though he intends to cancel one or more of the orders before delivery.

Sec. 8. Adjustment of orders. (a) A person who, prior to the effective date of any amendment to this regulation, has placed any order for a material calling for delivery earlier, or in greater quantities, than he is permitted to receive under this regulation must promptly cancel, reduce, or defer delivery under, every such order to the extent necessary so that delivery will not result in his exceeding his practicable minimum working inventory of such material. Nothing in this section shall affect any obligation of, or liability incurred by, a person under this regulation prior to the effective date of any amendment of this regulation.

(b) A person whose requirements change because of an alteration in his operations, slowing or stoppage of his production, or delayed delivery by suppliers, or for any other reason, must promptly cancel, reduce, or defer delivery under, his outstanding orders to the extent necessary so that delivery will not result in his exceeding his practicable minimum working inventory.

Sec. 9. Receipts permitted after adjustment of orders. Where a person has promptly adjusted his outstanding orders as required by section 8 of this regulation, delivery of the material involved may be made and accepted, and the restrictions on receipts of materials provided in this regulation may be exceeded, in any of the following cases only:

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier had in stock, or in production, or for the production of which he had acquired special components or special materials. For the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others.

(c) If the material had already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the producer's books.

Sec. 10. Imported materials. A person may import any material acquired prior to landing without regard to the inventory restrictions of this regulation. However, if his inventory of a material thereby becomes in excess of the amount permitted, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him is permitted to receive.

Sec. 11. Minimum production or sales quantities. In the case of materials that

are mass produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such a material, or from any other supplier a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his inventory of such material is thereby increased beyond a practicable minimum working inventory. He may not thereafter receive additional quantities of such material until his inventory thereof is reduced below a practicable minimum working inventory.

Sec. 12. Excess inventory. This regulation does not provide for disposal of excess inventory which may be on hand. Excess inventory may, however, be subject to requisition under certain circumstances, as provided in section 201 (a) of Title II of the Defense Production Act of 1950, as amended.

Sec. 13. Separate operating units. A person who has more than one operating unit in his business may maintain separate inventory records for each or any of such units. The provisions of this regulation shall apply independently to any unit for which separate inventory records are maintained.

Sec. 14. Relation to other NPA regulations and orders. Other or additional inventory restrictions are included in certain NPA orders and other regulations presently in effect, and may be included in NPA orders and other regulations issued in the future. The inventory restrictions of any such order or other regulation shall govern to the extent that they modify this regulation. Table II at the end of this regulation includes a list of materials with respect to which quantitative inventory restrictions are provided in the orders and other regulations listed in that table, in effect on the date specified in that table. Even if an NPA order or other regulation containing inventory restrictions is not listed in Table II, a person must nevertheless comply with such restrictions. Upon revocation in any manner of the inventory restrictions of an order or regulation listed in Table II, covering a material listed in Table IA or Table IB of this regulation, all provisions of this regulation shall apply to such material.

Sec. 15. Defense against claims for damages. Persons complying with this regulation are entitled to the protection afforded by section 707 of the Defense Production Act of 1950, as amended, which provides in part that "No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from his compliance with a rule, regulation, or order issued pursuant to this act, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid."

Sec. 16. Request for adjustment or exception. Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that such provision works an

undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

Sec. 17. Records and reports. (a) Each person participating in any transaction covered by this regulation shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. This regulation does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this regulation shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

Sec. 18. Communications. All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 1.

Sec. 19. Violations. Any person who wilfully violates any provision of this regulation, or any other regulation or order of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in

accordance with the Federal Reports Act of 1942.

NPA Reg. 1, as so amended, shall take effect April 2, 1952.

NATIONAL PRODUCTION AUTHORITY,

By JOHN B. OLVERSON,
Recording Secretary.

TABLE 1A OF NPA REG. 1

(As amended April 2, 1952)

MATERIALS SUBJECT TO PRACTICABLE MINIMUM WORKING INVENTORY LIMITATION

(See section 5 (a))

[Items preceded by asterisk(*) have been added since issuance of Amdt. 2 of NPA Reg. 1 (Jan. 28, 1952)]

BUILDING MATERIALS

*Cast iron pressure pipe and fittings.

CHEMICALS

*Acetylene.
Allethrin.
Alkyl phenol.
*Alkyl phenol resins.
Alkyl polysulfide polymers (Thiokol-polymers, trade name).
Alpha picoline.
Amylphenol.
Argon.
Benzene (benzol).
*Butadiene.
Butyl phenol.
Calcium carbide.
Carbon disulfide.
Chlorine, gaseous and liquid.
Chloroform.
Chlorophenol-para.
Cobalt salts and driers.
Copper chemicals.
Cyclohexanol.
Cyclohexylamine.
Dichlorodiphenyltrichloroethane.
Dichlorobenzene, ortho, meta, and para.
2-4 Dichlorophenoxy acetic acid.
Dihydroxydichlorodiphenyl methane.
Diphenylamine.
Ethylene oxide.
Freon.
Hexylresorcinol.
Hydrofluoric acid and compounds derived therefrom.
Iron oxide yellow.
Lead naphthenate.
*Lithium chemicals.
Melamine resins and molding powders.
Methylene chloride.
Monochlorotrifluoroethylene.
Naphthalene.
Naphthenic acid.
*Nickel chemicals.
Orthophosphoric acid.
Oxygen.
Parachlorophenol.
Paranitrophenol.
Phenothiazine.
Phosphorus.
Phthalic anhydride.
*Pine oil.
Polyethylene.
Polyethylene resins.
Polytetrafluoroethylene.
Polyvinylidene chloride and copolymer resins.
Pyrethrum.
Pyridine.
Resorcinol.
Resorcinol resins.
Sebacic acid.
*Selenium compounds (as defined in NPA Order M-91).
Sodium chlorate.
Sulfur.
Sulfuric acid.
Sulfonated oils.
*Toluene.
*Zinc chloride.
*Zinc ammonium chloride.

FOREST PRODUCTS

Lumber (except railway crossties, mine ties, and hardwood flooring), excluding inventories of producers or distributors, but including inventories of users.
Plywood (softwood and hardwood), excluding inventories of producers or distributors, but including inventories of users.
Wood poles and piles, excluding inventories of producers or distributors, but including inventories of users.
Paper, paperboard, wet machine board, and construction paper and board materials, all types and grades.
Converted paper and board products, all types and grades.

LEATHER AND TANNING MATERIALS

Vegetable tanning materials:
Chestnut.
Wattle.

IRON AND STEEL

Steel:
Iron and steel scrap.

METALS AND MINERALS

Aluminum scrap.
Antimony and antimony scrap.
Asbestos, amosite.
Asbestos, chrysotile, spinning fibers.
Asbestos, crocidolite.*
Beryllium: Metal, oxides, alloys, and compounds.
Bismuth.
Boron: Ferro-boron, boron metal, and all other alloys used as sources of boron.
Cadmium.
Calcium: Calcium-silicon, calcium-manganese-silicon, and metallic calcium.
Cerium:
Cerium metal, cerium alloys, such as ferro-cerium and cerium compounds in which cerium is a recognizable component.
All scrap and waste material containing commercially recoverable cerium of the above listed types.
Chromium: All forms of ferro-chromium and all other compositions containing more than 25 percent chromium, which are used as sources of chromium in commercial manufacture or processing.
Cobalt:
The element in any form and combination with other elements in which cobalt is an essential constituent (except cobalt concentrates, cemented carbide-tipped tools, cast cobalt-chrome-tungsten-molybdenum tools, and alloy hard-facing welding rods and materials; and except paints, varnishes, lacquers, inks, and similar products containing cobalt driers).
All scrap or secondary materials containing commercially recoverable cobalt.
Columbium:
Ferro-columbium, potassium columbium fluoride, columbium oxide, and columbium carbide.
All scrap or secondary material containing commercially recoverable columbium.
Copper:
Refined copper (fire-refined and electrolytic).
Secondary copper and copper-base alloys.
All copper and copper-base alloy scrap containing commercially recoverable copper.
Corundum, grain, and superfines.
*Cryolite.
Diamonds, industrial.
Electrodes, carbon.
*Fluorspar, acid and ceramic grades.
Graphite, artificial, electrodes and anodes.
Graphite, natural:
Crucible flake.
Ceylon lump, 95 percent and higher carbon.
Iridium.

Magnesium:

Magnesium, primary and secondary ingots. Semifabricated shapes.
All magnesium-base alloy scrap containing commercially recoverable magnesium.

Manganese:

Manganese metal, ferro-manganese, spiegeleisen, and all other compounds and alloys which are used as sources of manganese in the manufacture of any alloy products.
All scrap and material containing sufficient manganese to be of commercial value as an alloying agent.

Mica, muscovite block and film, good stained and better.

Mica, splittings, muscovite, and phlogopite.
Molybdenum: Pure molybdenum and ferro-molybdenum, all grades of molybdenum oxide, and all primary molybdates and other molybdenum compounds used as sources of molybdenum in commercial manufacture and processing.

Nickel:

Nickel, alloyed or unalloyed.
Imported nickel matte.
Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).
Nickel and nickel alloy, secondary.
Nickel and nickel alloy, semifinished: bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip, and similar mill products not further manufactured.
All nickel and nickel-base alloy scrap and nickel silver scrap containing commercially recoverable nickel.

Osmium.

*Platinum.

Scrap, nonferrous, all types.

Selenium.

Silicon: All grades of ferro-silicon, including silvery iron or silicon pig; all grades of silicon metal; and all other compositions containing more than 6 percent silicon, which are used as sources of silicon in the manufacture of any alloy products.

Talc, block (steatite).

Tantalum metal and alloys, and all scrap and waste material containing commercially recoverable tantalum.

Tin:

Tin, primary and secondary.
Tin, chemicals, including tin oxide.
Tin products such as tin pipe and sheet.
All alloys containing tin.
All tin and tin-base alloy scrap containing commercially recoverable tin.

Titanium:

Ingot.
Semifabricated shapes.
Sheets, tubes, extrusions.
All grades of ferro-titanium, titanium metal, and other alloys used to add titanium in the manufacture of any alloy products.
All titanium-base alloy scrap.

Tungsten:

Tungsten in any form or shape into which it may be fabricated; except such finished forms as are fabricated for installation (without further processing) into electrical communication systems, incandescent lamps, and electronic equipment such as radio, radar, and similar products.

Tungsten, ferro, metal powder, and any other ferrous combination of the element tungsten in semimanufactured or manufactured form, excluding alloy steel, high speed steel, and tool steel.

Tungsten, all nonferrous mixtures or alloys containing tungsten, prepared for any purpose requiring further processing, whether the same or manufactured by means of melting, pressing, sintering, brazing, soldering, or welding, including but not limited to mixtures or alloys to be used in the production of tools and tool blanks or as hard-facing materials; but not including any finished tools.

TABLE II OF NPA REG. I
(As amended April 2, 1953)

MATERIALS SUBJECT TO SPECIAL INVENTORY
RESTRICTIONS IN NPA ORDERS OR OTHER
NPA REGULATIONS IN EFFECT ON APRIL 2,
1952

(See section 14)

Items preceded by asterisk (*) have been
added since issuance of Amndt. 2 of NPA
Reg. 1 (Jan. 28, 1952)!

TABLE IB OF NPA REG. 1
(As amended April 2, 1952)

MATERIALS SUBJECT TO SPECIFIC CALENDAR DAY INVENTORY LIMITATION OR TO PRACTICABLE MINIMUM WORKING INVENTORY LIMITATION, WHICHEVER IS LESS

Tungsten, all chemical compounds having tungsten as a recognizable and essential component.

³ Packers may purchase packaging closures in carload or truckload lots provided deliveries of any size or type of packaging closures are not received or accepted until inventory of the particular size or type is less than a practicable minimum working inventory.

M-1—Ison and Steel.

(a) "Light-gage plate" means steel plate made of carbon steel which is $\frac{3}{16}$ in. or less in thickness.

(0.375) of an inch or less in thickness, or which weighs 15.3 pounds or less per square foot. The term does not include steel plate made of alloy steel or of stainless steel; it does not include armor plate, plate for pipes, or plate circles for flanged and/or dished heads; and it does not include finished conversion steel plate.

(b) "Finished conversion steel plate" means steel plate which has been obtained by a consumer in consequence of such consumer's or some other person's having furnished, directly or indirectly, to one or more steel producers or converters, semifinished conversion steel (which is steel in a less-finished form such as ingots or slabs) for the express purpose of having such semifinished conversion steel processed into finished plate for such consumer.

(c) "Wide plate mill" means a steel plate producing unit having a nominal width of 160 inches or more.

(d) All definitions contained in NPA Order M-1 are applicable to this direction.

SEC. 3. Restriction on acceptance of orders for production of light-gage plate on wide plate mills. Notwithstanding the provisions of CMP Regulation No. 1, no producer shall accept an order of a class specified in NPA Order M-1 for light-gage plate which is to be produced on or after July 1, 1952, on a wide plate mill, except in accordance with a written authorization issued by NPA. Application for written authorization must be filed with NPA by the producer by letter or telegram. The application shall state the quantity of plate to be produced; the thickness and width of the plate involved; the mill to be used in its production; and the circumstances under which open capacity has developed on that mill, with particular reference to the requirements of section 8 of NPA Order M-1, as amended, relating to the acceptance and rejection of orders.

This direction shall take effect April 3, 1952.

NATIONAL PRODUCTION
AUTHORITY,

By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-3956; Filed, Apr. 3, 1952;
11:27 a. m.]

Chapter XIV—General Services Administration

[Amdt. 5]

TUNGSTEN REGULATION; DOMESTIC TUNGSTEN PROGRAM DELIVERIES

Pursuant to the authority vested in me by the Defense Materials Procurement Administrator in delegation of authority, dated September 14, 1951,¹ this regulation, as amended,² is further amended as follows:

For the purpose of relieving small producers of tungsten who ship ore in less

than carload lots from additional costs of transportation which are not borne by the larger producers who ship in carload lots and can thus effect freight savings thereby, section 4 of the Regulation is hereby deleted in its entirety and the following provision is substituted therefor:

Sec. 4. Deliveries. Tungsten concentrates purchased under the Program are to be delivered f. o. b. carriers conveyance any milling point designated by the Administrator. Delivery of less than one short ton of concentrates will not be accepted. Each delivery will be analyzed by the Government after beneficiation at the milling point, and payment will be made in accordance with such analysis. Deliveries not conforming to minimum specifications will be rejected and any expenses in connection therewith will be borne by the seller.

This Amendment 5 shall be effective as of the date hereof.

(Sec. 704, 64 Stat. 816, Pub. Laws, 69, 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, Pub. Laws 69, 96, 82d Cong.; 50 U. S. C. App. Sup. 2093, E. O. 10161, Sept. 9, 1950, 15 P. R. 6105; 3 CFR 1950 Supp., sec. 201, E. O. 10281, Aug. 28, 1951, 16 P. R. 8789)

Dated: March 31, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-3902; Filed, Apr. 2, 1952;
10:45 a. m.]

Chapter XVI—Production and Mar- keting Administration, Department of Agriculture

[Defense Food Order 2, Sub-Order 1,
Revision 1]

DFO 2—PROCESSED FRUITS AND VEGETABLES; SET ASIDE REQUIREMENTS

SO 1—CANNED VEGETABLES—SET ASIDE REQUIREMENTS

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and it is, therefore, made effective pursuant to the authority vested in me by Defense Food Order 2, as amended (16 F. R. 3345, 4981). The pattern of regulation provided in Revision 1 of Sub-Order 1 is substantially identical with the pattern of regulation established under Sub-Order 1; and Revision 1 of Sub-Order 1 contains only minor changes from the provisions of Sub-Order 1. During the administration of Sub-Order 1 there were frequent consultations with industry representatives with respect to its operations. To the extent practicable in the formulation of this order, there has been informal consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

SUMMARY OF SUB-ORDER

This order is an entire revision of Defense Food Order 2, Sub-Order 1, as heretofore amended. It continues in effect certain provisions of such Sub-

Order, as heretofore amended, but applies to the set aside, and reservation, of certain percentages of the 1952 production of specified canned vegetables. It prescribes a procedure for requesting releases, and makes applicable the provisions of Defense Food Order 4 which contain the procedure for filing petitions for relief in hardship cases.

This order names the canned vegetables which are required to be set aside from the 1952 production and reserved for procurement by Government agencies pursuant to Defense Food Order 2, as amended. In addition it provides a formula for determining the specific quantity of each canned vegetable to be set aside by each processor. This formula consists of the establishment for each processor (with respect to each canned vegetable) of a "base pack," to which is applied a prescribed percentage stated in the order. The order prescribes a time schedule for processors to meet in accumulating the set aside quantity as the packing season progresses. It also sets forth processors' reporting requirements. It designates the Quartermaster General, United States Department of the Army, and his designees, as the authorized purchasers of the canned vegetables so set aside and reserved.

The composition of the quantity of canned vegetables set aside under this order is not prescribed, but the order does indicate the preferences of Government agencies with respect to type, style, grade, and container sizes and types for each canned vegetable.

The order does not apply to any processor with respect to any canned vegetable for which the applicable quota amounts to less than 1,650 cases equivalent 24 No. 2 size cans.

Defense Food Order 2, Sub-Order 1, as amended (16 F. R. 3346, 7357), is hereby revised to read as follows:

REGULATORY PROVISIONS

- Sec.
1. Definitions.
2. Canned vegetables to be set aside and reserved.
3. Stocks to be set aside.
4. Table I.
5. Exemptions.
6. Reports.
7. Release procedure.
8. Designation of authorized purchasers.
9. Petition for relief from hardship.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.

SECTION 1. Definitions. (a) Except as otherwise provided in this order, terms used in this order shall have the same meaning as when used in Defense Food Order 2, as amended (16 F. R. 3345, 4981).

(b) "Canned vegetable" means each of the processed foods produced during the quota period and listed in Column A of Table I.

(c) "Table I" means Table 1 set forth in section 4 of this order, as from time to time amended or revised.

(d) "Quota period" means the period beginning on January 1, 1952, and ending on December 31, 1952, both dates inclusive.

¹ 16 F. R. 9446.

² 16 F. R. 4373, 5901, 7329, 11542, 12981.

(e) "Quota period pack" means, with respect to any canned vegetable, the aggregate quantity of such canned vegetable produced during the quota period.

(f) "Base period" means the two-year period beginning on January 1, 1949, and ending on December 31, 1950, both dates inclusive.

(g) "Base pack" means:

(1) With respect to any canned vegetable produced by any processor during both calendar years of the base period, one-half the aggregate quantity of the canned vegetable so produced;

(2) With respect to any canned vegetable produced by any processor during only one calendar year of the base period, the aggregate quantity of the canned vegetable so produced;

(3) With respect to any canned vegetable that was not produced by a processor during the base period but was produced in the calendar year 1951, the aggregate quantity of the canned vegetable so produced; and

(4) With respect to any canned vegetable that was not produced by a processor during the base period or in the calendar year 1951, the quota period pack of such canned vegetable.

Sec. 2. Canned vegetables to be set aside and reserved. (a) The aggregate quantity of a particular canned vegetable that each processor is required, pursuant to Defense Food Order 2, as amended, to set aside and reserve for the requirements of Government agencies shall be the lesser of (1) the amount obtained by multiplying his base pack for such canned vegetable by the percentage listed therefor in Column B of Table I, or (2) his quota period pack of such canned vegetable. Such aggregate quantity shall be the quota for such processor for such canned vegetable.

(b) The canned vegetable quotas are not required to be of any special composition; however, Table I sets forth the preferences of Government agencies with respect to the types, styles, grades, and container sizes and types for each of the canned vegetables.

Sec. 3. Stocks to be set aside. (a) Except as otherwise prescribed in paragraph (b) of this section, each processor shall set aside and reserve his quota of each canned vegetable in accordance with the following schedule:

(1) At least 50 percent of his quota not later than the date on which such processor's aggregate production of his quota period pack of the canned vegetable is in an amount equal to 40 percent of his base pack of such canned vegetable; and

(2) The balance of his quota not later than the date on which such processor's aggregate production of his quota period pack of such canned vegetable is in an amount equal to 80 percent of his base pack of such canned vegetable.

(b) With respect to each processor whose base pack of a particular canned vegetable is his quota period pack, in accordance with section 1 (g) (4), the foregoing percentages shall be applied to the respective processor's estimate of his base pack.

SEC. 4. Table I.

CANNED VEGETABLES: SET ASIDE PERCENTAGES AND PREFERENCES WITH RESPECT TO STYLE OF PACK, GRADE, AND CONTAINER SIZES AND TYPES

Canned vegetables (A)	Percentage of base pack (B)	Style (C) Sequence denotes preference unless otherwise specified	Grade preference ¹		Preferred container, sizes, and types ² (F) (cans unless otherwise specified) ³
			First (D)	Second (E)	
Asparagus.....	5.0	[1. Spears..... 2. Cut spears.....]	U. S. Fancy.....	{U. S. Std. Min. score 80 points. ⁴ U. S. Fancy.....}	2's.
Beans, lima.....	9.5	.....	U. S. Ext. Std.	U. S. Fancy.....	10's-2's-30's.
Beans, green or wax ⁵	7.2	Cut.....	{U. S. Ext. Std. (round type). U. S. Fancy (round type).}	U. S. fancy (round type).	10's-2's-30's.
Carrots.....	18.5	[1. Sliced..... 2. Diced..... 3. Cut.....]	U. S. Fancy.....	{U. S. Std. Min. score 80 points. ⁴ U. S. Fancy.....}	10's-2's-30's.
Corn, sweet.....	7.2	[Whole grain ⁶ (Cream style) ⁷]	U. S. Ext. Std. U. S. Fancy.....	U. S. Fancy..... U. S. Ext. Std.	Whole grain 10's-2's-No. 2 vacuum—30's. Cream style 2's-30's-No. 3 tall. 10's-2's-30's.
Peas, green.....	7.4	.....	U. S. Ext. Std.	U. S. Fancy.....	2's.
Pumpkin.....	8.3	.....	U. S. Fancy.....	.....	2's.
Sweet potatoes ⁸	33.3	[1. Whole and pieces..... 2. Whole.....]	U. S. Fancy.....	{U. S. Std. Min. score 80 points. ⁴ U. S. Std. Min. score 70 points. ⁹ or U. S. Fancy. ¹⁰ }	2's-30's-No. 3 vacuum.
Tomatoes ¹¹	9.0	.....	U. S. Ext. Std. ¹² or U. S. Fancy. ¹³	U. S. Std. Min. score 70 points. ⁹	10's-2's-30's.
Tomato catsup ¹⁴	6.5	.....	U. S. Fancy 33% solids and over. ¹⁵	U. S. Fancy except 29-33% solids. ¹⁶	10's-14 oz. bottles—2's.
Tomato paste ¹⁷	4.7	.....	U. S. Fancy light conc. ¹⁸	U. S. Fancy Medium conc. ¹⁹	10's-2's.

¹ Grades are those defined in applicable United States Standards.

² 75 percent of requirements are preferred in container sizes listed first.

³ Golden lacquer pre-coating preferred for No. 10 size cans.

⁴ With not less than 31 points for tenderness.

⁵ First preference green beans.

⁶ With not less than 24 points for texture.

⁷ 75 percent of requirements are preferred in whole grain, and 25 percent cream style.

⁸ Lots from which drawn samples show zero vacuum are not desired.

⁹ Type I as defined in Federal Specifications JJJ-T-571a.

¹⁰ With not less than 13 points for drained weight, 21 points for color, and 19 points for absence of defects.

¹¹ Type I as defined in Federal Specifications JJJ-C-91a.

¹² Type I as defined in Federal Specifications JJJ-T-579.

Sec. 5. Exemptions. The provisions of this order shall not apply to any processor with respect to any canned vegetable for which his set aside quota is less than 1,650 cases equivalent 24 No. 2 size cans.

Sec. 6. Reports.—(a) *Base period production.* (1) Each processor shall file with the Director, within 30 days after the effective date of this order, an accurate report on DFO Form-3 (Revised) showing the following information with respect to each canned vegetable produced by such processor during the base period, and with respect to each canned vegetable that was not produced by such processor during the base period but was so produced in the calendar year 1951:

(i) Date; name and address of processor; and

(ii) Total quantity, in terms of dozens of containers, by container types and sizes.

(2) Each processor who, in accordance with Defense Food Order 2, Sub-Order 1, as heretofore amended (16 F. R. 3346, 7357), filed a base period production report with the Director, covering all canned vegetables listed in Table I and produced by such processor, shall be deemed to have complied with the reporting requirements of paragraph (1) of this section.

(b) *Quota period production.* Each processor who proposes to produce any canned vegetable during the quota period which he did not produce during the base period or in the calendar year 1951 shall file with the Director (1) within 30 days after the effective date of this order, a report on DFO Form-3 (Revised) showing his estimate of his proposed total production of such canned vegetable

during the quota period, and (2) within 10 days after the completion of his quota period pack of such canned vegetable, an additional report on DFO Form-3 (Revised) showing his actual production thereof during the quota period. Estimated production and actual production shall be shown on DFO Form-3 (Revised) in the column headed "1951" by striking "1951" and substituting therefore "1952" and by marking the form "Estimated" or "Actual 1952 Production", as the case may be.

(c) *Time of filing.* Any report required to be filed pursuant to this order shall be deemed to be filed when it is post-marked, if mailed, or when it is received by the Director, if otherwise delivered.

Sec. 7. Release procedure. (a) Pursuant to section 3 of Defense Food Order 2, as amended (16 F. R. 3345, 4981), the Director is authorized, whenever he determines that it is necessary or appropriate to promote the national defense, to release at any time any processed food that is set aside and reserved, as aforesaid. Any such release by the Director may be issued by him whenever he determines that such processed food is not required for Government agencies.

(b) Request by any processor for the release by the Director, pursuant to section 3 of said Defense Food Order 2, as amended, of any canned vegetable that has been so set aside and reserved by such person shall be filed in writing with the Director. Such request shall specify the quantity of such canned vegetable, together with a description thereof, and the reasons for the requested release. At the time of filing such request the processor shall also file

an identical copy thereof with an authorized purchaser.

(c) Each release issued pursuant to this section shall be effective at the time and with respect to the quantity of the canned vegetable as may be set forth in the written notice of such release which the processor of such canned vegetable shall have received from the Director.

SEC. 8. Designation of authorized purchasers. The Quartermaster General, United States Department of the Army, and each of his designees for such purpose are hereby designated as authorized purchasers of canned vegetables set aside and reserved hereunder, pursuant to Defense Food Order 2, as amended, for the requirements of Government agencies, in such amounts as are specifically approved by the Director.

SEC. 9. Petition for relief from hardship. Any person affected by this order, or any requirement pursuant to this order, who considers that compliance therewith would work an exceptional or unreasonable hardship on him may file a petition for relief in accordance with the provisions of Defense Food Order 4 (16 F. R. 7568). The filing of appeals shall also be in accordance with said Defense Food Order 4.

With respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order 2, Sub-Order 1, as heretofore amended, prior to the effective time of the provisions hereof, all provisions of said Defense Food Order 2, Sub-Order 1, as heretofore amended, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 31st day of March 1952, to become effective on April 3, 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and
Vegetable Branch, Production
and Marketing Administration.

[F. R. Doc. 52-3957; Filed, Apr. 3, 1952;
11:35 a. m.]

[Defense Food Order 2, Sub-Order 2,
Revision 1]

DFO 2—PROCESSED FRUITS AND VEGETABLES; SET ASIDE REQUIREMENTS

SO 2—CANNED FRUITS—SET ASIDE REQUIREMENTS

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and it is, therefore made effective pursuant to the authority vested in me by Defense Food Order 2, as amended (16 F. R. 3345, 4981). The

pattern of regulation provided in Revision 1 of Sub-Order 2 is substantially identical with the pattern of regulation established under Sub-Order 2; and Revision 1 of Sub-Order 2 contains only minor changes from the provisions of Sub-Order 2. During the administration of Sub-Order 2 there were frequent consultations with industry representatives with respect to its operations. To the extent practicable in the formulation of this order, there has been informal consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

SUMMARY OF SUB-ORDER

This order is an entire revision of Defense Food Order 2, Sub-Order 2, as heretofore amended. It continues in effect certain provisions of such sub-order but applies to the set aside, and reservation, of certain percentages of the 1952 production of specified canned fruits. It prescribes a procedure for requesting releases, and makes applicable the provisions of Defense Food Order 4 which contain the procedure for filing petitions for relief in hardship cases.

This order names the canned fruits which are required to be set aside from the 1952 production, and reserved for procurement by Government agencies pursuant to Defense Food Order 2, as amended. In addition, it provides a formula for determining the specific quantity of each canned fruit to be set aside by each processor. This formula consists of the establishment for each processor (with respect to each canned fruit) of a "base pack" to which is applied the prescribed percentage stated in the order. The order prescribes a time schedule for processors to meet in accumulating the set aside quantity as the packing season progresses. It also sets forth processors' reporting requirements. It designates the Quartermaster General, United States Department of the Army, and his designees, as the authorized purchasers of the canned fruits so set aside and reserved.

The composition of the quantity of canned fruits set aside under this order is not prescribed; but the order does indicate the preferences of Government agencies with respect to type, style, grade, and container sizes and types for each canned fruit.

The order does not apply to any processor with respect to any canned fruit for which the applicable quota amounts to less than 1,500 cases equivalent 24 No. 2½ size cans.

Defense Food Order 2, Sub-Order 2, as amended (16 F. R. 4981, 7668), is hereby revised to read as follows:

REGULATORY PROVISIONS

- Sec.
1. Definitions.
 2. Canned fruits to be set aside and reserved.
 3. Stocks to be set aside.
 4. Table I.
 5. Exemptions.
 6. Reports.
 7. Release procedure.
 8. Territorial scope.
 9. Designation of authorized purchasers.
 10. Petition for relief from hardship.

AUTHORITY: Sections 1 to 10, issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.

SECTION 1. Definitions. (a) Except as otherwise provided in this order, terms used in this order shall have the same meaning as when used in Defense Food Order 2, as amended (16 F. R. 3345, 4981).

(b) "Canned fruit" means each of the processed foods produced, during the quota period therefor, from fruit grown in the United States, its territories, or possessions and listed in Column A of Table I.

(c) "Table I" means Table I set forth in Sec. 4 of this order as from time to time amended or revised.

(d) "Quota period" means:

(1) With respect to canned apples, apple sauce and pineapple, the period beginning on June 1, 1952, and ending on May 31, 1953, both dates inclusive; and

(2) With respect to any other canned fruit, the period beginning on January 1, 1952, and ending on December 31, 1952, both dates inclusive.

(e) "Quota period pack" means, with respect to any canned fruit, the aggregate quantity thereof produced during the quota period therefor.

(f) "Base period" means:

(1) With respect to canned berries and purple plums, the period beginning on January 1, 1949, and ending on December 31, 1949, both dates inclusive; and

(2) With respect to canned apples, apple sauce and pineapple, the period beginning on June 1, 1950, and ending on May 31, 1951, both dates inclusive; and

(3) With respect to any other canned fruit, the period beginning on January 1, 1950, and ending on December 31, 1950, both dates inclusive.

(g) "Base pack" means:

(1) With respect to any canned fruit produced by any processor during the base period therefor, the aggregate quantity of the canned fruit so produced; and

(2) With respect to any canned fruit that was not produced by a processor during the base period therefor, the quota period pack of such canned fruit.

SEC. 2. Canned fruits to be set aside and reserved. (a) The aggregate quantity of a particular canned fruit that each processor is required, pursuant to Defense Food Order 2, as amended, to set aside and reserve for the requirements of Government agencies shall be the lesser of (1) the amount obtained by multiplying his base pack for such canned fruit by the percentage listed therefor in Column B of Table I, or (2) his quota period pack of such canned fruit. Such aggregate quantity shall be the quota for such processor for such canned fruit.

(b) The canned fruit quotas are not required to be of any special composition; however, Table I sets forth the preferences of Government agencies with respect to the types, styles, grades, and container sizes and types for each of the canned fruits.

SEC. 3. *Stocks to be set aside.* (a) Except as otherwise prescribed in paragraph (b) of this section, each processor shall set aside and reserve his quota of each canned fruit in accordance with the following schedule:

(1) At least 50 percent of his quota not later than the date on which such processor's aggregate production of his quota period pack of the canned fruit is in an amount equal to 40 percent of his base pack of such canned fruit; and

(2) The balance of his quota not later than the date on which such processor's

aggregate production of his quota period pack of such canned fruit is in an amount equal to 80 percent of his base pack of such canned fruit.

(b) With respect to each processor whose base pack of a particular canned fruit is his quota period pack, in accordance with section 1 (g) (2), the foregoing percentages shall be applied to the respective processor's estimate of his base pack.

Sec. 4. Table I.

CANNED FRUITS: SET ASIDE PERCENTAGES AND PREFERENCES WITH RESPECT TO STYLE OF PACK, GRADE, AND CONTAINER SIZES AND TYPES

Canned fruits (A)	Percent- age of base pack (B)	Type-style—Sequence denotes preference unless otherwise specified (C)	Grade preference ¹		Preferred con- tainer sizes and types ² (F)
			First (D)	Second (E)	
Apples.....	5.8	Sliced, heavy pack.....	U. S. Standard	U. S. Fancy.....	10's-2's.
Apple sauce.....	5.1	.....	U. S. Fancy.....	.....	10's-2's.
Apricots.....	16.7	Halves, unpeeled.....	U. S. Choice.....	U. S. Fancy.....	10's-2 1/2's 8 oz.
Blackberries.....	27.1	.....	(7)	.....	10's-2's.
Blueberries.....	13.8	.....	(6)	.....	10's-2's.
Cherries, R.S.P.....	10.4	Water pack.....	U. S. Standard	.....	10's-2's.
Cherries, sweet.....	8.7	1. Dark, unpitted.....	U. S. Choice.....	U. S. Fancy.....	10's-2 1/2's 8 oz.
.....	.....	2. Light, unpitted.....	.....	.....	.....
Figs, Kadota.....	25.7	.....	U. S. Choice.....	U. S. Fancy.....	10's-2 1/2's 8 oz.
Fruit cocktail.....	6.0	.....	U. S. Choice.....	U. S. Fancy.....	10's-2 1/2's 8 oz.
Peaches.....	6.6	1. Yellow Clingstone 1. Halves.....	U. S. Choice.....	U. S. Fancy.....	10's-2 1/2's 8 oz.
.....	.....	2. Yellow Freestone 2. Slices.....	.....	.....	.....
.....	.....	3. Quarters.....	.....	.....	.....
Pears, Bartlett.....	6.6	1. Halves.....	U. S. Choice.....	U. S. Fancy.....	10's-2 1/2's 8 oz.
.....	.....	2. Quarters.....	.....	.....	.....
.....	.....	3. Sliced whole.....	.....	.....	.....
Pineapple.....	6.9	1. Tidbits.....	U. S. Choice.....	U. S. Fancy.....	10's-2 1/2's 4.
.....	.....	2. Chunks.....	.....	.....	.....
.....	.....	3. Crushed ³.....	.....	.....	.....
Purple plums.....	11.4	(Sweetened or unsweetened) Whole, unpeeled, unpitted.....	U. S. Choice.....	U. S. Fancy.....	10's-2 1/2's 8 oz.

¹ Grades are those defined in applicable U. S. Standards. Lots from which drawn samples have zero vacuum are not desired.

² 75 percent of requirements are preferred in container size listed first. Golden Lacquer pre-coating preferred for No. 10 size cans.

³ Federal Specification Z-B-421, Grade D, water pack or pie.

⁴ Federal Specification Z-B-491, a, grade C, water pack.

⁵ Not more than 30 percent of requirement is preferred of crushed style.

SEC. 5. *Exemptions.* The provisions of this order shall not apply to any processor with respect to any canned fruit for which his set aside quota is less than 1,500 cases equivalent 24 No. 2 1/2 size cans.

SEC. 6. *Reports.*—(a) *Base period production.* (1) Each processor shall file with the Director, within 30 days after the effective date of this order, an accurate report on DFO Form-4 showing the following information with respect to each canned fruit produced by such processor during the base period:

(i) Date; name and address of processor; and

(ii) Total quantity, in terms of dozens of containers, by container types and sizes.

(2) Each processor who, in accordance with Defense Food Order 2, Sub-Order 2, as heretofore amended (16 F. R. 4981, 7768), filed a base period production report with the Director, covering all canned fruits listed in Table I and produced by such processor, shall be deemed to have complied with the reporting requirements of paragraph (1) of this section.

(b) *Quota period production.* Each processor who proposes to produce any canned fruit during the quota period which he did not produce during the base period shall file with the Director (1) within 30 days after the effective date of this order, a report on DFO

Form-4 showing his estimate of his proposed total production of such canned fruit during the quota period, and (2) within 10 days after the completion of his quota period pack of such canned fruit, an additional report on DFO Form-4 showing his actual production thereof during the quota period. Estimated production and actual production shall be shown on DFO Form-4 in the column headed "Quantity of Pack" and shall indicate that the information thereunder relates to the quota period pack by marking such column "Estimated" or "Actual 1952 Production," as the case may be.

(c) *Time of filing.* Any report required to be filed pursuant to this order shall be deemed to be filed when it is post-marked, if mailed, or when it is received by the Director, if otherwise delivered.

SEC. 7. *Release procedure.* (a) Pursuant to section 3 of Defense Food Order 2, as amended (16 F. R. 3345, 4981), the Director is authorized, whenever he determines that it is necessary or appropriate to promote the national defense, to release at any time any processed food that is set aside and reserved, as aforesaid. Any such release by the Director may be issued by him whenever he determines that such processed food is not required for Government agencies.

(b) Request by any processor for the release by the Director, pursuant to sec-

tion 3 of said Defense Food Order 2, as amended, of any canned fruit that has been so set aside and reserved by such person shall be filed in writing with the Director. Such request shall specify the quantity of such canned fruit, together with a description thereof, and the reasons for the requested release. At the time of filing such request the processor shall also file an identical copy thereof with an authorized purchaser.

(c) Each release issued pursuant to this section shall be effective at the time and with respect to the quantity of the canned fruit as may be set forth in the written notice of such release which the processor of such canned fruit shall have received from the Director.

SEC. 8. *Territorial scope.* Except as otherwise prescribed in this section with respect to canned pineapple, the provisions of this order shall be applicable within the 48 States of the United States and the District of Columbia. With respect to canned pineapple the provisions of this order shall also be applicable within Puerto Rico and the Territory of Hawaii.

SEC. 9. *Designation of authorized purchasers.* The Quartermaster General, United States Department of the Army, and each of his designees for such purpose are hereby designated as authorized purchasers of canned fruit set aside and reserved under this order, pursuant to Defense Food Order 2, as amended, for the requirements of Government agencies, in such amounts as are specifically approved by the Director.

SEC. 10. *Petition for relief from hardship.* Any person affected by this order, or any requirement pursuant to this order, who considers that compliance therewith would work an exceptional or unreasonable hardship on him may file a petition for relief in accordance with the provisions of Defense Food Order 4 (16 F. R. 7538). The filing of appeals shall also be in accordance with said Defense Food Order 4.

With respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order 2, Sub-Order 2, as heretofore amended, prior to the effective time of the provisions hereof, all provisions of said Defense Food Order 2, Sub-Order 2, as heretofore amended, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 31st day of March 1952, to become effective on April 3, 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-3958; Filed, Apr. 3, 1952; 11:35 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 2, Amdt.]

CR 2—RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR AREAS AFFECTED BY SAVANNAH RIVER (S. C. AND GA.), PADUCAH (KY.), AND REACTOR TESTING STATION (IDAHO) INSTALLATIONS OF THE ATOMIC ENERGY COMMISSION

GEOGRAPHICAL AREAS AFFECTED

On February 27, 1952, Regulation CR 2, as revised and amended, was published in the FEDERAL REGISTER at 17 F. R. 1721. In section 3 of said regulation certain geographical limits are set forth describing three separate areas affected by installations of the Atomic Energy Commission. Paragraph (a) of section 3 describes the geographical area affected by the Savannah River Atomic Commission installation. Paragraph (a) of section 3 of CR 2 is hereby amended to read as follows:

(a) Savannah River, Georgia-South Carolina, Area. (Aiken, Allendale and Barnwell Counties in South Carolina; Richmond County, Columbia County, and McDuffie County, and District 81—Wrens (including Wrens Town) in Jefferson County, in Georgia.)

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154)

RAYMOND M. FOLEY,
Housing and Home Finance
Administrator.

APRIL 4, 1952.

[F. R. Doc. 52-3857; Filed, Apr. 3, 1952; 8:49 a. m.]

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce.

[NSA Order 46 (SRM-5, Amdt. 1)]

SRM-5—PROCEDURE FOR ACCOMPLISHMENT OF VESSEL REPAIRS UNDER NATIONAL SHIPPING AUTHORITY MASTER LUMP SUM REPAIR CONTRACT—NSA-LUMPSUMREP

MISCELLANEOUS AMENDMENTS

NSA order 46 (SRM-5), published in the FEDERAL REGISTER issue of September 27, 1951 (16 F. R. 9811) is amended as follows:

1. Delete in its entirety section 9 captioned *Payment* and substitute in lieu thereof the following:

Sec. 9. *Payment.* (a) Repair work awarded by the Division of Ship Repair and Maintenance, National Shipping Authority:

(1) Repair Contractors will submit invoices for repair costs covered by job orders under Master Repair Contracts or work orders under WORKSMALREP Contracts, directly to the Local Office of the Division of Ship Repair and Maintenance having authority over the work.

(2) The Local Office of the Division of Ship Repair and Maintenance will:

(i) Review repair contractors' invoices to determine that the charges have been

billed in accordance with the prices provided in the job order or repair contract.

(ii) Attach to each repair contractor's invoice, a copy of the WORKSMALREP work order or job order and supplemental job order(s), if any; a signed completion certificate; and, in the case of competitive bids, an abstract of bids listing the contractors who submitted bids, the bid prices and completion time specified by each contractor, the name of the contractor to whom the work was awarded, and an explanation of the basis for the award when the contract is not awarded to the lowest bidder.

(iii) Review each repair contractor's invoice and attachments to ascertain whether repair items included therein have been placed under the appropriate repair group numbers as set out in NSA Order No. 32 (SRM-1), and make corrections as necessary.

(iv) Forward the invoices and attached supporting documents to the District Ship Repair and Maintenance Office having jurisdiction over the Local Office.

(3) The District Ship Repair and Maintenance Office will review repair contractors' invoices and attachments submitted by their Local Offices and, after making necessary corrections, will forward those relating to (i) voyage and idle status repairs to the principal office of the General Agent, and (ii) reactivation repairs to the appropriate District Comptroller's Office.

(4) The General Agent, upon receiving repair contractor's invoices and attachments thereto from the District Ship Repair and Maintenance Office, will:

(i) Review each invoice and attachments to assure himself that the payment authorized by the District Ship Repair and Maintenance Office appears to be proper on the basis of the attachments.

(ii) Upon determination that all necessary supporting documents are attached, make payment directly to the contractor.

(5) The District Comptroller's Office, upon receiving repair contractors' invoices for reactivation repairs, will process them in accordance with prescribed procedures.

(b) Repair work awarded by General Agents and completed within limits of their authority:

(1) Repair contractors will submit invoices for repair costs covered by job orders under Master Repair Contracts or work orders under WORKSMALREP contracts, directly to the principal office of the General Agent or authorized Sub-Agent contracting for the ship repair work.

(2) The General Agent or authorized Sub-Agent, upon receipt of an invoice from a contractor, will follow the procedure outlined in paragraphs (a) (2) (i thru iii) and (a) (4) (ii) of this section.

2. Delete in its entirety paragraph (e) of section 10 captioned *Bonds*, and substitute in lieu thereof the following:

(e) Before transmitting individual bonds to Washington, D. C. pursuant to paragraph (g) of this section, it shall be the responsibility of the Head of the

Local Office of the Division of Ship Repair and Maintenance to check said bonds to see that they cover the required amount and set forth the Master Contract and job order numbers and the properly spelled names of the Contractor and vessel.

3. Delete in its entirety paragraph (g) of section 10 captioned *Bonds*, and substitute in lieu thereof the following:

(g) The individual Bid Bond of a successful bidder and the individual Performance and Payment Bonds submitted by any Contractor, as required for either a competitive or negotiated award, to the Head of the Local Office of the Division of Ship Repair and Maintenance shall be forwarded by such Head of Local Office to the Chief, Division of Ship Repair and Maintenance, Washington, D. C., for clearance. The individual Bid, Performance and Payment bonds submitted by any contractor to a General Agent for work awarded by it shall be immediately checked pursuant to paragraph (e) of this section and then submitted by the General Agent to the Head of the Local Office for transmittal to the Chief, Division of Ship Repair and Maintenance.

4. Add the following paragraph (h) to section 10 captioned *Bonds*:

(h) No repair voucher (progress or final) shall be passed for payment by the General Agent or the Head of the District Office of the Division of Ship Repair and Maintenance, as the case may be, until such time as the required Performance and Payment Bonds have been finally cleared by the Office of the Comptroller, Washington, D. C., and notification to that effect made to the General Agent or the Head of the District Office, as the case may be, by the Washington office of the Division of Ship Repair and Maintenance.

5. Add the following paragraph (d) to section 12 captioned *Disposition of removed equipment and scrap*:

(d) The General Agent shall, within its delegated authority, perform the functions of the Head of the Local Office set forth in paragraph (a) of this section.

6. Delete in its entirety paragraph (c) of section 14 captioned *Anti-kickback and Davis-Bacon Acts*, and substitute in lieu thereof the following:

(c) It shall be the responsibility of the Head of the Local Office or the General Agent, as the case may be with respect to the awarding of the work, to determine that the Contractor has made the postings required by Article 24 (a) of the NSA-LUMPSUMREP Contract.

7. Delete in its entirety paragraph (e) of section 14 captioned *Anti-Kickback and Davis-Bacon Acts*, and substitute in lieu thereof the following:

(e) The Contractor shall submit the lists of its subcontractors, as provided in Articles 2 and 6 of NSA-LUMPSUMREP Contract, on the Report of Subcontractors form, a copy of which is attached to this order. The Contractor shall daily submit, in triplicate, to the Head of the

Local Office or to the General Agent in those cases where said General Agent awarded work within its delegated authority, a list (in the form attached to this order) of subcontracts awarded by the Contractor for performance of the work covered by a job order, which are in addition to the subcontracts listed at the time of the execution of the job order or supplemental job order, giving each subcontractor's name and address, subcontract amount, site of subcontract work and description of the subcontract work. Such lists of additional subcontractors, if related to work awarded to the Contractor by the General Agent within its authority, shall be immediately forwarded to the Head of the Local Office in the repair port involved. The lists of additional subcontractors thus forwarded by the General Agents shall be received and transmitted by the Local Office together with any which may have been submitted directly to that office by the Contractor on work awarded by that office to the District Office for checking and mailing to the Chief, Division of Ship Repair and Maintenance, Washington, D. C., for transmittal by the Maritime Administration's Labor Adviser to the Secretary of Labor. The listings of original subcontractors submitted to General Agents by Contractors rather than to the Head of the Local Office as provided in Articles 2 and 6 of NSA-LUMPSUMREP Contract shall be handled in the same manner as that described above for listing additional subcontractors.

8. Add the following paragraph (g) to section 14 captioned *Anti-Kickback and Davis-Bacon Acts*:

(g) The General Agents, in all cases where they award work, shall be responsible for establishing procedures insuring that Contractors are complying with the Davis-Bacon Act, where applicable, and, if not, withholding payment of a particular Contractor's invoices for work accomplished subject to the Davis-Bacon Act if said Contractor does not fulfill its obligation pursuant to this section 14 and Article 24 of the NSA-LUMPSUMREP Contract.

Effective date. This Amendment 1 shall be effective on the date of publication in the FEDERAL REGISTER.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Approved: March 28, 1952.

[SEAL] C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 52-3887; Filed, Apr. 3, 1952;
8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

Part 1—PRACTICE AND PROCEDURE

APPLICATIONS FOR WAIVER OF TERM OF SHIP RADAR STATION LICENSES

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on March 19, 1952;

The Commission having under consideration a proposal to delete § 1.333 of its rules and regulations; and

It appearing, that § 1.333 contains provisions for the waiver of § 8.195 (m) (2) of the Commission's rules governing the Ship Service; and

It further appearing, that § 8.195 (m) (2) was deleted from the Commission's rules, effective July 23, 1951, and that § 1.333 is therefore unnecessary and should be deleted; and

It further appearing, that this change is editorial in nature and therefore the notice requirements of section 4 of the Administrative Procedure Act are not applicable and that this action may be made effective immediately; and

It further appearing, that authority for this action is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, § 1.333 of the Commission's rules and regulations is deleted.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154)

Released: March 20, 1952.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-3846; Filed, Apr. 3, 1952;
8:49 a. m.]

[Docket No. 10105]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of March 1952;

The Commission having under consideration the above-captioned matter which proposed to amend Parts 2, 7, 8, 10, and 16 of the Commission's rules and regulations for the purpose of making available the frequency 161.9 megacycles for assignment to public coast stations in the Chicago, Illinois, area; and

It appearing, that in accordance with the requirements of the Administrative Procedure Act, a notice of proposed rule making was duly published in the FEDERAL REGISTER (p. 527), on January 17, 1952, which notice proposed the above amendment to the Commission's rules; and

It further appearing, that the period in which interested persons were afforded an opportunity to submit comments has expired and the comments received, with one exception, expressed approval of the proposal; and

It further appearing, that the one comment filed in opposition to the proposal expressed the opinions that (1) the proposed reallocation would be inconsistent with the Commission's stated policy in its report and order in Docket No. 8972 (Allocation of frequencies between 44 and 50 Mc and 152 and 162 Mc—Land Mobile Services and Maritime Mobile Services) wherein the Commission stated: "• • • Radio Services which are necessary for the safety of life and property deserve more consideration than those services which are more in the nature of convenience or luxury"; (2) a separation of only 50 kilocycles between 161.85 and 161.9 megacycles, coupled with the high power permitted coastal telephone stations (1000 watts input), may result in interference to the Railroad Radio Service which would be difficult to eliminate; and (3) retention by the railroads of all frequencies allocated for their use would be in the national interest; and

It further appearing, that the proposed reallocation is consistent with the above-mentioned stated policy of the Commission in Docket No. 8972 inasmuch as public coast stations transmit and receive messages relating to the business and operational needs of ships, and messages relating to safety of life and property; and

It further appearing, that the frequency 161.85 megacycles is not currently assigned to a station in the Land Transportation Radio Service; and

It further appearing, that the separation of 50 kilocycles between 161.85 and 161.9 megacycles is considered to be adequate to permit interference-free operation of the railroad and the maritime mobile radio services in the Chicago, Illinois area, provided suitable equipment is utilized or the facilities are given adequate geographical separation; and that the Commission will be in a position to insure that such interference-free operation is maintained since the use of 161.9 megacycles by coast stations will be on a secondary basis to the use of 161.85 megacycles by stations in the Land Transportation Services; and

It further appearing, that although continuously available since December 1945 for railroad use, the frequency 161.91 megacycles has not been utilized and the allocation of the frequency 161.9 megacycles will provide an important common operational channel for ship-shore public correspondence in the Chicago area where it may be assigned for immediate use by coast stations in that area; and

It further appearing, that the public interest, convenience and necessity will be served by this amendment, the authority for which is contained in sections 4 (i), 303 (c), (f), and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective April 28, 1952, Parts 2, 7, 8, 10 and 16 of the Commission's rules governing (1) Frequency Allocations and Treaty Matters; General Rules and Regulations; (2) Stations on Land in the Maritime Services; (3) Stations on Shipboard in the Maritime Services; (4) Public Safety Radio Services; and (5) the Land Transportation

Services, respectively, are amended as set forth below.

Released: March 27, 1952.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

1. Section 2.104 (a), the table of frequency allocations, is amended as follows:

a. In footnote NG19 change "frequencies 161.85 Mc and 161.91 Mc" to read "frequency 161.85 Mc."

b. Delete the present wording of footnote US 24 in column 5 for the band 152-162 Mc and substitute "US 24. The use of the frequency 162.0 Mc may be authorized to non-government coast stations only."

c. Delete the present frequency 157.1 Mc from column 10 and the entry "DO (NG7)" opposite the frequency in column 11.

d. Change the present frequencies 157.2 and 157.3 Mc in column 10 opposite the respective entries "Government" and "DO" in column 11 to read 157.1 and 157.2 Mc, respectively.

e. Change the present frequency 157.4 Mc in column 10 to read 157.3 Mc. Enter the frequency 157.4 Mc in column 10 following 157.3 Mc and add "DO (NG7)" in column 11 opposite 157.4 Mc.

f. In footnote US 20, change "157.2 and 157.3 Mc" to read "157.1 and 157.2 Mc."

g. Change footnote-NG7 to read:

NG7 The use of the frequencies 156.27, 156.33, 156.39, 156.45, 156.51, 156.57, 156.63, 156.69, 156.75, 156.87, 156.93, 156.99, 157.05, 157.11, 157.29, 157.35, 157.41, 157.47, 161.85, 161.91, and 161.97 Mc may be authorized to base and land mobile stations in the Public Safety Radio Services on the condition that no harmful interference will be caused to the Maritime Mobile Service except that on the frequencies 157.05 and 157.11 Mc this authority may be extended only to those stations authorized prior to April 28, 1952. Public Safety Service operations at points within 150 statute miles of coastal areas and navigable gulfs, bays, rivers, and lakes may be authorized only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

h. In column 11, change the footnote indicators within the parenthesis following the word "coast" which is opposite the frequency 161.90 Mc in column 10, to read "(NG7, 19, 37)."

1. Insert new footnote "NG37" to read:

NG37 Transmission on the frequency 161.9 Mc by coast stations at Chicago, Illinois, may be authorized on condition that harmful interference is not caused to the Land Transportation Radio Services on 161.85 Mc.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

2. Section 7.307 is amended as follows:
a. In paragraph (a) (1), substitute 157.3 Mc for 157.1 Mc.

b. In paragraph (a) (2), delete "(except within 75 statute miles of Chicago, Ill.)" and "(subject to paragraph (c) of this section)," and substitute 157.3 Mc for 157.1 Mc.

c. Delete paragraphs (b) and (c).

3. Section 7.308 is amended as follows:

a. In paragraph (a), insert between the ports Milwaukee, Wisconsin and Ludington, Michigan listed in this paragraph, the following additional ports: Chicago, Illinois; Indiana Harbor, Indiana; Gary, Indiana in the order named herewith. Delete "(except stations located at Chicago, Ill., or within 75 statute miles thereof)."

b. Delete paragraph (b).

c. In paragraph (c), redesignate this paragraph as (b) and change the initial paragraph to read as follows: "The carrier frequency 162 Mc is assignable to any public coast station employing frequency modulation for telephony: *Provided*,"

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

4. Section 8.356 is amended as follows:
a. In paragraph (a) (1) substitute 157.3 Mc for 157.1 Mc.

b. Change paragraph (a) (2) to read as follows:

(2) For transmission to public coast stations when a different radio-channel is used for transmission by the coast station:

For ship station transmission	For ship station reception
157.3 Mc	162.0 Mc
157.4 Mc*	161.9 Mc*

c. Delete paragraph (a) (3).

5. Section 10.405 is amended as follows:

a. In paragraph (e) delete limitation 5 opposite the frequencies 157.05 and 157.11 and add limitation 9. Enter the frequencies 157.29 and 157.35 with limitation 5 between the existing entries 157.11 and 157.41.

b. In paragraph (f) add new limitation Note 9 as follows:

(9) This frequency will not be assigned to stations in the Highway Maintenance Radio Service after April 28, 1952. Highway maintenance stations licensed to use this frequency prior to April 28, 1952, may continue such use provided that no harmful interference is caused to any government or non-government radio operation.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or applies secs. 303, 307, 48 Stat. 1082, 1083, as amended; 47 U. S. C. 303, 307)

6. Section 16.352 is amended as follows: In paragraph (a) delete the frequency 161.91 Mc.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 52-3845; Filed, Apr. 3, 1952; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

EXPIRATION OF CODIFIED MATERIAL

Notice is hereby given that the regulations in the following documents expired of their own limitation on or before December 31, 1951:

SUBPART—CRAB ORCHARD NATIONAL WILDLIFE REFUGE, ILLINOIS

1. Section 33.58 *Hunting permitted* (16 F. R. 8896).
2. Section 33.59 *Entry* (16 F. R. 8896).
3. Section 33.60 *Special restrictions* (16 F. R. 8896).

SUBPART—MUD LAKE NATIONAL WILDLIFE REFUGE, MINNESOTA

1. Section 33.121 *Deer hunting permitted* (16 F. R. 10028).
2. Section 33.122 *Entry* (16 F. R. 10028).
3. Section 33.123 *State hunting laws*.
4. Section 33.124 *State cooperation* (16 F. R. 10028).

SUBPART—SAND LAKE NATIONAL WILDLIFE REFUGE, SOUTH DAKOTA

1. Section 33.181 *Deer hunting permitted* (16 F. R. 11656).
2. Section 33.182 *Entry* (16 F. R. 11656).
3. Section 33.183 *State hunting laws* (16 F. R. 10028).

SUBPART—TAMARAC NATIONAL WILDLIFE REFUGE, MINNESOTA

1. Section 33.246 *Deer hunting permitted* (16 F. R. 10087).
2. Section 33.247 *Entry* (16 F. R. 10087).
3. Section 33.248 *State hunting laws* (16 F. R. 10087).
4. Section 33.249 *State cooperation* (16 F. R. 10087).

SUBPART—WAUBAY NATIONAL WILDLIFE REFUGE, SOUTH DAKOTA

1. Section 33.351 *Deer hunting permitted* (16 F. R. 11656).
2. Section 33.352 *Entry* (16 F. R. 11656).
3. Section 33.353 *State hunting laws* (16 F. R. 11656).

Dated: March 28, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-3824; Filed, Apr. 3, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 201]

PUBLIC CONTRACTS ACT REGULATIONS

NOTICE OF HEARING

On March 8, 1952, the Secretary of Labor published in the *FEDERAL REGISTER* a notice of proposed revision of the Public Contracts Act Regulations. Interested persons were invited to submit data, views, or arguments pertaining to the proposed revision of the regulations within 30 days from such date.

Following the publication of such notice in the *FEDERAL REGISTER*, requests were received from a number of interested persons for extension of time for filing data, views, or arguments, and also requests were received for public hearing on the proposed regulations. Upon consideration of such requests and in order to provide an opportunity for all interested persons to present relevant data and to fully express their views a public hearing will be held on Tuesday, June 10, 1952, beginning at 10:00 a. m. in Conference Room A, Departmental Auditorium, Constitution Avenue, between Twelfth and Fourteenth Streets NW., Washington, D. C.

Persons who intend to appear and testify at said hearing are requested to notify the Administrator of the Public Contracts Division not later than May 15, 1952, of their intention to so appear. For the purpose of properly scheduling appearances of witnesses and in the interest of saving time and avoiding cumulative and repetitious testimony such notification should also contain the following information:

1. Name and address of the person who will appear.
2. If such person will appear in a representative capacity, the name or names

of persons or organizations he will represent.

3. The particular portions of the proposed regulations with respect to which he intends to make a presentation at the hearing, and where possible six copies of the statement to be presented at the hearing.

4. The approximate length of time required for his presentation.

Written statements in lieu of personal appearances may be filed with the Public Contracts Division at any time prior to the hearing or with the hearing officer at the time of the hearing. An original and five copies should be submitted.

Signed at Washington, D. C., this 1st day of April 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-3856; Filed, Apr. 3, 1952;
8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 64]

[Docket No. 10165]

CHARGES FOR U. S. GOVERNMENT TELEGRAPH COMMUNICATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of charges for United States Government Telegraph Communications; amendment of Part 64 of the Commission's rules and regulations (miscellaneous rules relating to common carriers).

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend § 64.310 Term, of Subpart C (United States Government Foreign and Overseas Telegraph Communications), of Part 64 of the Commission's rules and regulations, to read as follows:

§ 64.310 Term. The provisions of Subpart C shall continue in effect through June 30, 1953, unless changed by order of the Commission.

Reason for change: It is necessary under the applicable cable landing licenses that the Commission act annually and the section in its present form provides the provisions of Subpart C shall continue in effect through June 30, 1952.

3. No changes are now being proposed in the other provisions of Subpart C.

4. The proposed amendment is issued under authority of sections 4 (i) and 601 (b) of the Communications Act of 1934, as amended, and pursuant to the provisions of the permits or licenses granted by the President of the United States, giving the Postmaster General authority to fix rates and charges for United States Government telegraph communications transmitted by any carrier or carriers subject to the terms of such permits or licenses, which authority was transferred to the Commission by section 601 (b) of the Communications Act.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth above, may file with the Commission on or before May 5, 1952 a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. The Commission will consider all comments, briefs and arguments presented before taking final action with respect to the proposed amendment.

Adopted: March 26, 1952.

Released: March 27, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-3847; Filed, Apr. 3, 1952;
8:46 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 122]

ALBERT NYEGAARD

ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of Albert Nyegaard, Charlottenlund, Denmark, respondent; Case No. 122.

This proceeding was begun by the mailing of a charging letter to the above-named respondent, and certain others, by the Office of Industry and Commerce under date of August 23, 1950, wherein respondent was charged with having made false and fraudulent statements in

February 1950 in order to induce the issuance of an export license and to facilitate the exportation thereunder of 43,000 pounds of diethylphthalate to Denmark with intention to transship said chemical from Denmark to Sweden, and thus with having violated the Export Control Act of 1949 (63 Stat. 7) and the regulations issued thereunder. Thereafter, the administration of export controls was transferred by order of the Secretary of Commerce from the Office of Industry and Commerce to the Office of International Trade, with the consequence that this proceeding was similarly transferred.

Pursuant to notice given by the charging letter, hearings on the charges applicable to certain other respondents not the subject of this order, were held be-

fore the Compliance Commissioner of the Office of International Trade on September 13, 1951, and February 1, 1952, in New York City. Respondent elected not to ask for hearing and did not appear but filed a written answer which was made part of the record. The Compliance Commissioner received the evidence presented, and, after due consideration of the entire record, on February 27, 1952, filed his report in the matter.

It appears from the record and the report of the Compliance Commissioner that respondent is a Danish national residing in Charlottenlund, Denmark, and that he was at all times relevant to this proceeding and for some time prior thereto, and still is, engaged in the business of importing-exporting and procur-

ing orders as a general commission broker for various commodities for resale in various countries and Denmark.

With respect to the alleged making of false and fraudulent representations, the record and the report of the Compliance Commissioner disclose the following facts: respondent placed an order with a United States chemical dealer and exporter in November 1949 for the export to Denmark of 43,000 pounds of diethylphthalate without disclosing to said exporter that he held orders for this quantity of diethylphthalate from various customers in Sweden. Said exporter made application to the Office of International Trade in January 1950 for a license to export the commodity to Nyegaard in Denmark for use in the plastics industry. While the aforesaid application was under consideration and review by the Office of International Trade, respondent, in the course of a visit to the United States, stated to his American freight forwarder that the diethylphthalate was to be used in the plastics industry, naming Denmark as the country of ultimate destination. Such representations were made with knowledge that said application was then under review by the Office of International Trade and with intention that said Office rely thereon. At a later date, and while said application was still pending before United States licensing officials, respondent wrote to the Office of International Trade asking for favorable action on the application, without revealing that the chemical was destined for Sweden or that he intended to transship the commodity to Sweden upon its arrival in Denmark. Information from official sources abroad was furnished to the Office of International Trade that respondent intended the diversion of the commodity to Sweden, and the application was, accordingly, rejected on March 10, 1950, and no exportation thereunder effected. The Compliance Commissioner has, accordingly, found as a fact that respondent submitted an order for the purchase and importation from the United States of said diethylphthalate with the intention of transshipping such commodity from Denmark to Sweden, concealed the ultimate destination of said diethylphthalate for the purpose of effecting its exportation from the United States, and made false and fraudulent representations directly and indirectly to the Office of International Trade for the purpose of effecting the exportation of said diethylphthalate from the United States, all in violation of the export law and regulations.

It is, accordingly, the finding of the Compliance Commissioner that respondent is guilty of the violations as charged and he has, therefore, recommended that respondent be denied export license privileges for a period of one (1) year from the effective date of this order and that such denial apply to respondent and to any firm, corporation or other business organization with which respondent has or may obtain a substantial interest or position of trust.

The report of the Compliance Commissioner, the findings and recommenda-

tions contained therein, as well as the record in this matter, have been carefully considered, and it appears that said report and findings are supported by the evidence and that such recommendations are fair and reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses in which Albert Nyegaard appears as purchaser, intermediate or ultimate consignee or otherwise as participant in any capacity are hereby revoked and shall be forthwith returned to the Office of International Trade for cancellation.

(2) Albert Nyegaard is hereby denied and declared ineligible to exercise the privileges of participating directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, including Canada, for a period of one (1) year from the date of the order. Such denial of export privileges shall be deemed to include and prohibit direct or indirect participation (a) as a party or as a representative of a party to any export license application, (b) in the obtaining or using of validated or general export licenses and any export control documents relating thereto, (c) in the receiving of any exportation from the United States exported pursuant to validated or general export licenses, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States to any destination.

(3) Such denial of export privileges shall apply not only to said Albert Nyegaard, but during said period to any person, firm, corporation, or other business organization with which he may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States.

(4) No person or business organization during said period shall knowingly (a) apply for or obtain any license, shipper's export declaration, bill of lading or other export control document relating to any exportation from the United States of commodities to or for said respondent or those persons or business organizations within the scope of paragraphs (2) and (3) hereinabove, or (b) order, receive, finance, transport, forward or otherwise service, or act as a party to any exportation of commodities from the United States, in such manner that the aforesaid respondent or those persons or business organizations covered in paragraphs (2) and (3) hereinabove will directly or indirectly obtain any benefit therefrom during said period, without prior disclosure of such facts to, and specific authorization of, the Office of International Trade.

Dated: March 31, 1952.

[SEAL] JOHN C. BORTON,
Assistant Director
for Export Supply.

[F. R. Doc. 52-3823; Filed, Apr. 3, 1952;
8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Petroleum Administration for Defense

KENTUCKY

NOTICE OF CERTIFICATION REGARDING RESTRICTIONS OF NATURAL GAS

Take notice that the Public Service Commission of the Commonwealth of Kentucky has certified to the President that it has authority to restrict the use of natural gas and is exercising that authority to the extent necessary to accomplish the objectives of the Defense Production Act of 1950. As the result of the above-described Certification, and pursuant to Section 704 Defense Production Act of 1950, as amended, the restrictions imposed by Section 3, PAD Order No. 2, August 14, 1951, 16 F. R. 8111, are hereafter inapplicable in the Commonwealth of Kentucky.

BRUCE K. BROWN,
Deputy Administrator, Petroleum
Administration for Defense.

[F. R. Doc. 52-3951; Filed, Apr. 3, 1952;
11:16 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4850]

BOHRER AIR FREIGHT CO. AND AIRPORT
PACKAGE SERVICE, INC.; LOCAL CARTAGE
AGREEMENT CASE

NOTICE OF ORAL ARGUMENT

In the matter of the complaint of Bohrer Air Freight Company and Airport Package Service, Inc., with respect to the proposed change in Rule No. 6.3 on 3d Revised Page 18-B of Agent Emery F. Johnson's Official Airfreight Rules between American Airlines, Inc., and certain other carriers, providing for the proposed change in rules which would effect the elimination of advance charges to certain local cartage operators.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on April 15, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 1, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-3859; Filed, Apr. 3, 1952;
8:47 a. m.]

[Docket No. 5422]

NORTH ATLANTIC TOURIST COMMISSIONS

NOTICE OF HEARING

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 412, 414, 1001, and 1002 (a) and (c) thereof that a hearing in the above entitled proceeding is assigned to be held

on April 15, 1952 at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Without limiting the scope of the issues presented in this proceeding particular attention will be directed to the question whether C. A. B. Agreement No. 5800, R 48, which provides for reducing travel agents' commission on tourist flights across the North Atlantic from 7½ percent to 6 percent, is adverse to the public interest.

For more detailed information with respect to the issues involved herein attention is directed to the prehearing conference report issued in this proceeding.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding must file with the Civil Aeronautics Board on or before April 15, 1952, a statement setting forth the issues of fact or law he desires to controvert.

Dated at Washington, D. C., this 1st day of April 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-3858; Filed, Apr. 3, 1952;
8:47 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 21—DPAV-27]

REQUEST TO PARTICIPATE IN FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON ARTILLERY MECHANICAL TIME FUZES

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the formation and activities of an Army Ordnance Integration Committee on Artillery Mechanical Time Fuzes in accordance with the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on Artillery Mechanical Time Fuzes," dated August 13, 1951, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration and was accepted by the companies listed below.

The voluntary plan provides for the formation and operation of this Artillery Mechanical Time Fuzes Integration Committee, and will make available to all the participating companies the production experience and techniques of each. It will also, among other things, integrate the facilities of the participants which will result in the quick attainment of maximum production and the maintenance thereof. This voluntary plan has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of the Artillery Mechanical Time Fuzes Integration Committee in accordance with the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on Artillery Mechanical Time Fuzes," dated August 13, 1951, a copy of which is herewith enclosed.

In my opinion, your participation in the activities of this Committee will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary plan and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given only upon such acceptance, provided that the activities of the Artillery Mechanical Time Fuzes Integration Committee and your participation therein are within the limits set forth in the voluntary plan.

In the event that you accept this request will you kindly send a copy of your acceptance to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G-4, United States Army, Pentagon Building, Washington 25, D. C.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Gibbs Manufacturing & Research Corp.,
Janesville, Wis.
Hamilton Watch Co., Lancaster, Pa.
U. S. Time Corp., Waterbury, Conn.
The E. Ingraham Co., Bristol, Conn.
Westclox Division, General Time Corp.,
LaSalle, Ill.
Gruen Watch Co., Time Hill, Cincinnati,
Ohio.
King Seely Corp., Ann Arbor, Mich.
Eastman Kodak Co., Camera Works, 333
State Street, Rochester, N. Y.
Borg Products Division, The George Borg
Corp., 902 Wisconsin Street, Delavan, Wis.
(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d
Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200,
Jan. 3, 1951, 16 F. R. 61)

Dated: April 1, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52-3906; Filed, Apr. 2, 1952;
11:43 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43,
Special Order 3, Amdt. 2]

FAMOUS-STERNEBERG, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 3, under section 43 of Ceiling Price Regulation 7, established retail ceiling prices for sales at retail of men's cloth-

ing having the brand names "Minor Test", "Lordly" and "McNair."

Amendment 1 to the special order established new retail ceiling prices for certain of the applicant's branded articles. This amendment corrects certain clerical errors which appeared in amendment 1 to the special order.

Amendatory provisions. Special Order 3, under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 1, delete the footnote designation "1" and substitute therefor the footnote designation "a."
2. In paragraph 1, delete the footnote designation "2" and substitute therefor the footnote designation "b."
3. In paragraph 1, delete the footnote designation "3" and substitute therefor the footnote designation "c."
4. In paragraph 1, delete the footnote designation "4" and substitute therefor the footnote designation "d."
5. In paragraph 2, delete the footnote designation "1" and substitute therefor the footnote designation "a."
6. In paragraph 2, delete the footnote designation "2" and substitute therefor the footnote designation "b."
7. In paragraph 2, delete the footnote designation "3" and substitute therefor the footnote designation "c."
8. In paragraph 2, delete the footnote designation "4" and substitute therefor the following footnote designation "d."

Effective date. This amendment shall become effective March 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3802; Filed, Mar. 31, 1952;
4:44 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 61, Amdt. 1]

NEW YORK KNITTING MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 61 under section 43 of Ceiling Price Regulation 7, established retail ceiling prices for wool sweaters manufactured by New York Knitting Mills, Inc., and having the brand name "Valcuna."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 22, 1952, and January 23, 1952.

Amendatory provisions. Special Order 61 under Section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in the manufacturer's application dated March 6, 1951," insert the words "as supplemented and amended by its application dated January 22, 1952 and January 23, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated January 22, 1952 and January 23, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 24, 1952.

Effective date. This amendment shall become effective March 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3803; Filed, Mar. 31, 1952;
4:44 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 256, Amdt. 1]

BENDIX AVIATION CORP., BENDIX RADIO
DIVISION

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 256 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for television receivers and radio-phonograph combinations manufactured by Bendix Aviation Corporation, Bendix Radio Division and having the brand names "Bendix Television" and "Bendix Radio, a product of Bendix Aviation Corporation."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 15, 1952.

Amendatory provisions. Special Order 256 under section 43, Ceiling Price Regulation 7, is amended in the following respects:

1. In paragraph 1, insert after the date "June 13, 1951," the following date "February 15, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 15, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 24, 1952.

Effective date. This amendment shall become effective March 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3804; Filed, Mar. 31, 1952;
4:44 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 357, Amdt. 3]

INTERNATIONAL MOLDED PLASTICS, INC.
CEILING PRICES AT RETAIL

Statement of considerations. Special Order 357, issued under section 43 of

Ceiling Price Regulation 7 to the International Molded Plastics, Inc. established ceiling prices at retail for plastic dinnerware which it manufactures having the brand name "Brookpark" and "Desert Flower."

Application has been made by the manufacturer for an amendment to the special order. The application for amendment states that it wishes to establish an optional discount schedule for articles covered by the special order for retail stores, by which both the retail store and International Molded Plastics, Inc. would join in sharing the cost of a demonstrator who would be employed by the retailer and whose duties would be devoted solely to the sale of the manufacturer's merchandise.

Under Ceiling Price Regulation 7, section 43, a manufacturer must maintain the same percentage mark-ups at retail for the articles covered by a special order as he had immediately prior to January 26, 1951.

Although the proposed discount schedule would reduce the percentage mark-ups to retailers for the articles covered by the special order, such a reduction is permissible under section 43 of Ceiling Price Regulation 7, since:

1. The manufacturer will continue to offer its present discount schedule;

2. The alternate discount schedule is not mandatory but is optional with the retailer, and

3. The retail ceiling prices are not increased.

Amendatory provisions. Special Order 357 under Ceiling Price Regulation 7, section 43 is amended in the following respects:

1. In paragraph 1 insert the subparagraph designation "(a)" after the paragraph designation "1."

2. Following paragraph 1, now appearing in the special order, insert the following subparagraph:

(b) The manufacturer must continue to offer to retailers its customary discount from the prices listed in paragraph 1 (a), on sets and open stock of 50% in standard packages and 40-5 percent in special packages, and an additional cash discount of 2 percent 10 Net 30 days f. o. b. factory.

Retailers may, at their option, participate in the demonstrator plan whereby the retailer shares with the manufacturer the cost of a demonstrator who is to be employed by the retailer, and whose duties are devoted to the sale of the manufacturer's merchandise. In the event the retailer exercises this option, the discount on sets and open stock would be 40% and 2% from the prices listed in paragraph 1 (a) and an additional cash discount 2%/10 Net 30 days f. o. b. factory.

Effective date. This amendment shall become effective March 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3805; Filed, Mar. 31, 1952;
4:44 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 512, Amdt. 1]

NATIONAL PRESSURE COOKER CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 512 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for pressure cookers and canners, electric vapor-steam irons, toasters, fryers, food separators, dividers, and timers manufactured by National Pressure Cooker Company and having the brand name "Presto."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated March 3, 1952.

Amendatory provisions. Special Order 512 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "August 7, 1951," the following date "March 3, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated March 3, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 17, 1952.

Effective date. This amendment shall become effective March 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3806; Filed, Mar. 31, 1952;
4:44 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 515, Amdt. 2]

PACKARD-BELL CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 515 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for radios, radio-phonograph combinations, phonocords, television sets and television-radio-phonograph combinations manufactured by Packard-Bell Company and having the brand name "Packard-Bell."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated February 8, 1952 and February 15, 1952.

Amendatory provisions. Special Order 515 under section 43 of Ceiling Price Regulation 7, is amended in the following respects:

1. In paragraph 1 (b), insert after the date "October 24, 1951," the following dates "February 8, 1952 and February 15, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated February 8, 1952 and February 15, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 24, 1952.

Effective date. This amendment shall become effective March 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3807; Filed, Mar. 31, 1952;
4:45 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 537, Amdt. 3]

GLENDALE KNITTING CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 537 under Section 43, Ceiling Price Regulation 7, established retail ceiling prices for children's cotton sleepers, dolls and doll suits manufactured by Glendale Knitting Corporation and having the brand name "Nitey Nite".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated March 12, 1952.

Amendatory provisions. Special Order 537 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "February 22, 1952", the following date "March 12, 1952".

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated March 12, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 18, 1952.

Effective date. This amendment shall become effective March 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3808; Filed, Mar. 31, 1952;
4:45 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 607, Amdt. 2]

PAUL BENHOP, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 607 under section 43, Ceiling

No. 67—5

Price Regulation 7, established retail ceiling prices for children's toys manufactured by Paul BenHop, Inc., and having the brand name "BenHop".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated March 5, 1952.

Amendatory provisions. Special Order 607 under Section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "October 15, 1951", the following date "March 5, 1952".

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated March 5, 1952 shall become effective on receipt of copy of the notice for such articles, but in no event later than April 24, 1952.

Effective date. This amendment shall become effective March 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3809; Filed, Mar. 31, 1952;
4:45 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 655, Amdt. 3]

BLUE BELL INC.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. Special Order 655 under section 43, Ceiling Price Regulation 7, established retail and wholesale ceiling prices for men's jeans and jackets, men's and boys' shirts, youth's, boys', women's and girls' jeans, manufactured by Blue Bell Inc. and having the brand name "Wranglers".

This amendment established new retail and wholesale ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail and wholesale ceiling prices are established by incorporating into the special order the amended application dated March 6, 1952.

Amendatory provisions. Special Order 655 under section 43 of Ceiling Price Regulation 7, is amended in the following respects:

1. In paragraph 1, insert after the date "February 1, 1952," the following date "March 6, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated March 6, 1952, shall become effective on receipt of

a copy of the notice for such articles, but in no event later than April 24, 1952.

Effective date. This amendment shall become effective March 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3810; Filed, Mar. 31, 1952;
4:45 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 678, Amdt. 2]

CORY CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 678 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for electric coffee and tea brewers and servers, mixing bowls, fans, fanettes, console circulators, heaterettes, room humidifiers, knife sharpeners, coffee grinders, stoves with cords, hostess sets and filter rods manufactured or distributed by Cory Corporation and having the brand names "Cory," "Nicro," and "Fresh'nd-Aire."

This amendment established new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 30, 1952.

Amendatory provisions. Special Order 678 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "October 26, 1951," the following date, "January 30, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's or distributor's supplemental application dated January 30, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 18, 1952.

Effective date. This amendment shall become effective March 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3811; Filed, Mar. 31, 1952;
4:45 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 710, Amdt. 3]

DUOFOLD INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 710 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's, boys', women's, misses', and children's underwear manufactured

by Duofold Inc. and having the brand name "Duofold."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated March 6, 1952.

Amendatory provisions. Special Order 710 under section 43, of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your supplier's application" insert the words "dated September 10, 1951, as supplemented and amended by your supplier's applications dated October 19, 1951, January 2, 1952 and March 6, 1952."

2. Insert following paragraph 2, now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated March 6, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 18, 1952.

Effective date. This amendment shall become effective March 31, 1952.

ELLIS ARNALL,

Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3813; Filed, Mar. 31, 1952; 4:45 p. m.]

[Ceiling Price Regulation 7, Section 43, Revocation of Special Order 826]

OAKVILLE CO. DIVISION, SCOVILL MFG. CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 826, issued to Oakville Company Division, Scovill Manufacturing Company, issued February 27, 1952, effective February 28, 1952, established ceiling prices at retail for fasteners having the brand name "Gripper."

Oakville Company Division, Scovill Manufacturing Company has applied for a revocation of this special order, stating that it is unable to comply with the provisions of the special order. The Director has determined that sufficient reasons have been shown for revocation of the special order.

This order of revocation requires the applicant to send a copy thereof to all purchasers for resale who have received notice of the special order.

Revocation. 1. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, Special Order 826 issued to Oakville Company Division, Scovill Manufacturing Company on February 27, 1952, effective February 28, 1952, establishing ceiling prices at retail for fasteners having the brand name "Gripper" shall be, and the same hereby is, revoked in all respects.

2. **Notification to resellers.**—(a) Notice to be given by applicant. Within 15 days after the effective date of this order of revocation, the Oakville Company Division, Scovill Manufacturing Company, must send a copy of this order of revocation to all purchasers for resale to whom it had given notice of Special Order 826.

The applicant must also, within 15 days after the effective date of this order of revocation, supply each purchaser for resale, other than a retailer, with sufficient copies of this order of revocation to enable such purchasers to comply with the notification requirements of this order of revocation.

(b) Notices to be given by purchasers for resale (other than retailers):

Within 15 days of receipt of this order of revocation, each purchaser for resale (other than retailers) must send a copy of this order of revocation to each purchaser for resale to whom he has given notice of Special Order 826.

Effective date: This order of revocation shall become effective March 31, 1952.

ELLIS ARNALL,

Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3813; Filed, Mar. 31, 1952; 4:46 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 826]

RENEE OF HOLLYWOOD

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers.—1. What this order does. Sections 1 through 6 apply to you and establish uniform ceiling

prices if you sell at retail the articles identified below:

Name and address of applicant: Renee of Hollywood, 743 Santee Street, Los Angeles, California.

Brand names: "Renee of Hollywood". Articles: Ny-lace bandeau.

2. **Retail ceiling prices for listed articles.** Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. **Retail ceiling prices for unlisted items.** Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. **Retail ceiling prices affected by amendment to this order.** This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. **Marking and tagging.** This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. **Applicability.** This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant.—7. **Notification to retailers.** As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling Price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
\$..... per..... unit, dozen, etc.	Terms [net, percent EOM, etc.]

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price \$.....

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on April 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3814; Filed, Mar. 31, 1952;
4:46 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 853]

JUSTIN LEATHER GOODS CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. What this order does. Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Justin Leather Goods Co., Nocona, Texas.

Brand name: "Justin".

Articles: Men's and women's wallets.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling

prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price \$.....

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
\$..... per..... unit, dozen, etc.	Terms (net, percent EOM, etc.) \$.....

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price \$.....

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on April 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3815; Filed, Mar. 31, 1952;
4:46 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 854]

ARGO PRODUCTS CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Argo Products Company, 1008 North 22nd Street, St. Louis 6, Mo., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which

in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of window fans sold through wholesalers and retailers and having the brand name "Ken-Aire" shall be the proposed retail ceiling prices listed by Argo Products Company, 1008 North 22nd Street, St. Louis 6, Mo., hereinafter referred to as the "applicant" in its application dated September 3, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 31, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after May 31, 1952, Argo Products Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price \$.....

On and after June 30, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to June 30, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of

the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the pre-ticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers.*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
.....	\$.....

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in sub-paragraph (a) (4) of this

section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective April 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3816; Filed, Mar. 31, 1952;
4:46 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 855]

LANZ OF CALIFORNIA, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met. This special order requires each article

to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. What this order does. Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Lanz of California, Inc., 6150 Wilshire Blvd., Los Angeles 48, California.

Brand names: "Lanz Originals."

Articles: Junior dresses, blouses, skirts, jumpers, jackets, petticoats, women's and children's nighties and slipper shoes.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price \$.....

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post

your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling Price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
\$..... per..... (unit, dozen, etc.)	Terms (net, percent EOM, etc.) \$.....

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article cov-

ered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on April 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 31, 1952.

[F. R. Doc. 52-3817; Filed, Mar. 31, 1952;
4:46 p. m.]

[Region II, Redelegation of Authority 31]

DIRECTORS OF DISTRICT OFFICES, REGION II

REDELEGATION OF AUTHORITY TO PROCESS APPLICATIONS FOR CEILING PRICES IN CONFORMITY WITH THE COMMODITY CREDIT CORPORATION PRICE SUPPORT PROGRAM UNDER GOR 26

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 58 (17 F. R. 2586), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse, and Albany, New York; and the Newark and Trenton, New Jersey, Offices of Price Stabilization to process applications for ceiling prices submitted by applicants whose main places of business are located within the respective district pursuant to section 3 (b) (3) of GOR 26, and to approve or disapprove the proposed ceiling prices, establish different ceiling prices, or request further information concerning the applications.

This redelegation of authority is effective April 2, 1952.

CARL P. MALMSTROM,
*Acting Director of
Regional Office No. II.*

APRIL 1, 1952.

[F. R. Doc. 52-3875; Filed, Apr. 1, 1952;
4:54 p. m.]

DIRECTORS OF DISTRICT OFFICES, REGION VII

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of the

Office of Price Stabilization, Region VII, pursuant to Delegation of Authority No. 11, Revision 1, dated March 11, 1952 (17 F. R. 2145), this redelegation of authority is hereby issued:

Authority is hereby redelegated to the District Directors of the Office of Price Stabilization in Region VII:

(a) To request further information or to take other appropriate action with respect to statements, reports, notices or forms filed by Class 2 or Class 2A slaughterers under section 9 (a), 12 (f) or 17 (b), or with respect to certificates filed under section 12 (e), of Distribution Regulation 1, Revision 1.

(b) To deny, request further information, or take such other action as the National Office may direct with respect to applications made under section 15, 16, or 19 of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

(c) To grant, deny, request further information or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under section 9, 13 or 14 of Distribution Regulation 1, Revision 1.

(d) To grant, deny, request further information or take other appropriate action with respect to applications made under section 12 (c) of Distribution Regulation 1, Revision 1.

(e) To grant relief, pursuant to section 19 of Distribution Regulation 1, Revision 1, in the form of registration as a Class 2 slaughterer, to a person who, prior to December 16, 1951, filed an application under section 4 of the old Distribution Regulation 1, issued February 9, 1951, and who meets the criteria for registration specified in that section.

(f) To take appropriate action with respect to Class 2 or Class 2A slaughterers under sections 8 (b), 9 (b) and 20 (d) of Distribution Regulation 1, Revision 1.

This redelegation of authority shall take effect April 2, 1952.

MICHAEL J. HOWLETT,
Director of Regional Office No. VII.

APRIL 1, 1952.

[F. R. Doc. 52-3874; Filed, Apr. 1, 1952;
4:54 p. m.]

[Region VIII, Redelegation of Authority 6,
Revision 2]

DIRECTORS OF DISTRICT OFFICES, REGION VIII

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE-DETERMINING METHODS UNDER SECTION 5, AND TO FIX CEILING PRICES UNDER SECTION 16 (b) OF CPR 67

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 22, Revision 2, dated March 21, 1952 (17 F. R. 2508), this revised redelegation of authority is hereby issued.

1. *Authority to act under section 5 of CPR 67.* Authority is hereby redelegated to the District Directors, Office of

Price Stabilization, Eight Region, to approve, pursuant to section 5, CPR 67, a price-determining method for sales at wholesale or retail proposed by a reseller under CPR 67, disapprove such a proposed price-determining method, establish a different price-determining method, by order, or request further information concerning such a price-determining method.

2. *Authority to act under section 16 (b) of CPR 67.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Eight Region, to issue orders, pursuant to section 16 (b) of CPR 67, fixing ceiling prices for any person subject to this regulation who fails to keep the records, file the reports, and establish ceiling prices as required therein, or who fails to apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so.

This Revision 2 of Redelegation of Authority No. 6 shall take effect as of March 25, 1952.

LOUIS G. DENAYER,
Acting Regional Director, Region VIII.

APRIL 1, 1952.

[F. R. Doc. 52-3873; Filed, Apr. 1, 1952;
4:54 p. m.]

[Region IX, Redelegation of Authority 29]

DIRECTORS OF DISTRICT OFFICES, REGION IX

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 8 OF SUPPLEMENTARY REGULATION 1 TO CPR 7

By virtue of the authority vested in me as Acting Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 54, dated February 28, 1952 (17 F. R. 1831), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to act under section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of March 21, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.

APRIL 1, 1952.

[F. R. Doc. 52-3871; Filed, Apr. 1, 1952;
4:54 p. m.]

[Region IX, Redelegation of Authority 18,
Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED

By virtue of the authority vested in me as Acting Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 38, Amendment 1, dated February 27, 1952 (17 F. R. 1784), this Amendment 1 to Redelegation of Au-

thority No. 18 (17 F. R. 100) is hereby issued.

Redelegation of Authority No. 18 is amended by designating the present second paragraph of the redelegation as paragraph 1, and inserting a new paragraph designated as 2, to read as follows:

2. Authority to act under section 12 of CPR 101, as amended. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to act under section 12 of CPR 101, as amended.

This Amendment 1 to Redelegation of Authority No. 18 shall take effect as of March 21, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.

APRIL 1, 1952.

[F. R. Doc. 52-3870; Filed, Apr. 1, 1952;
4:53 p. m.]

[Region IX, Redelegation of Authority 30]

DIRECTORS OF DISTRICT OFFICES, REGION IX

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Acting Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 11, Revision 1, dated March 11, 1952 (17 F. R. 2145), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX:

(a) To request further information or to take other appropriate action with respect to statements, reports, notices or forms filed by Class 2 or Class 2A slaughterers under section 9 (a), 12 (f), or 17 (b), or with respect to certificates filed under section 12 (e), of Distribution Regulation 1, Revision 1.

(b) To deny, request further information, or take such other action as the National Office may direct with respect to applications made under section 15, 16, or 19 of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

(c) To grant, deny, request further information or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under section 9, 13, or 14 of Distribution Regulation 1, Revision 1.

(d) To grant, deny, request further information or take other appropriate action with respect to applications made under section 12 (c) of Distribution Regulation 1, Revision 1.

(e) To grant relief, pursuant to section 19 of Distribution Regulation 1, Revision 1, in the form of registration as a Class 2 slaughterer, to a person who, prior to December 16, 1951, filed an application under section 4 of the old Distribution Regulation 1, issued Feb-

ruary 9, 1951, and who meets the criteria for registration specified in that section.

(f) To take appropriate action with respect to Class 2 or Class 2A slaughterers under sections 8 (b), 9 (b) and 20 (d) of Distribution Regulation 1, Revision 1.

2. This redelegation of authority shall take effect as of March 21, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.

APRIL 1, 1952.

[F. R. Doc. 52-3872; Filed, Apr. 1, 1952;
4:54 p. m.]

[Region XII, Redelegation of Authority 36]

DIRECTOR OF RENO DISTRICT OFFICE

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39b, 39d, and 39e OF CPR 7; AND TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority No. 5, Revision 1 (17 F. R. 98), Delegation of Authority 8, as amended, (16 F. R. 5659, 6640), and Delegation of Authority 13 (16 F. R. 6806), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Director of the Reno District Office of the Office of Price Stabilization to act under sections 39b, 39d, and 39e of Ceiling Price Regulation 7.

2. Authority is hereby redelegated to the Director of the Reno District Office of the Office of Price Stabilization to act on all applications for price action and adjustment under the provisions of sections 28a and 28b of CPR 14, sections 26, 26a, and 30 (b) of CPR 15, and sections 22 (b), 24a, and 26 (b) of CPR 16.

3. Authority is hereby redelegated to the Director of the Reno District Office of the Office of Price Stabilization to act on all applications, price actions and adjustments under the provisions of section 21a of CPR 15.

4. Authority is hereby redelegated to the Director of the Reno District Office of the Office of Price Stabilization to act on all applications for price action and adjustment under the provisions of section 13 of CPR 11, as amended.

This redelegation of authority shall take effect as of March 24, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

APRIL 1, 1952.

[F. R. Doc. 52-3869; Filed, Apr. 1, 1952;
4:53 p. m.]

[Region XII, Redelegation of Authority 38]

DIRECTORS OF DISTRICT OFFICES, REGION XII

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XII, pursuant to Dele-

gation of Authority No. 11, Revision 1 (17 F. R. 2145), this Redelegation of Authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to request further information or to take other appropriate action with respect to statements, reports, notices or forms filed by Class 2 or Class 2A slaughterers under section 12 (f) or 17 (b), or with respect to certificates filed under section 12 (e), of Distribution Regulation 1, Revision 1.

This Redelegation of Authority shall take effect on April 1, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

APRIL 1, 1952.

[F. R. Doc. 52-3868; Filed, Apr. 1, 1952;
4:53 p. m.]

[Region XIII, Redelegation of Authority 17]

DIRECTORS OF DISTRICT OFFICES, REGION XIII

REDELEGATION OF AUTHORITY TO RECEIVE AND PROCESS NOTICES OF PARITY ADJUSTMENTS PURSUANT TO SECTION 11 (f) AND (g) OF THE GENERAL CEILING PRICE REGULATION

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 57 (17 F. R. 2349), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to receive notices of parity adjustment increases submitted by processors or manufacturers pursuant to section 11 (f) of the General Ceiling Price Regulation and if the increase is deemed unreasonable, excessive, or otherwise improper, to disapprove the price and restore the old ceiling price or establish a new ceiling price with power to apply it retroactively, pursuant to section 11 (g) of said regulation. In processing such notices, the District Directors may obtain any relevant additional information.

This redelegation of authority shall become effective as of March 31, 1952.

JOHN L. SALTER,
Regional Director, Region XIII.

APRIL 1, 1952.

[F. R. Doc. 52-3867; Filed, Apr. 1, 1952;
4:53 p. m.]

[Region XIV, Redelegation of Authority 17]

TERRITORIAL DIRECTORS, REGION XIV

REDELEGATION OF AUTHORITY TO RECEIVE AND PROCESS NOTICES OF PARITY ADJUSTMENTS PURSUANT TO SECTION 11 (f) AND (g) OF THE GENERAL CEILING PRICE REGULATION

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIV, pursuant to Delegation of Authority No. 57 (17

F. R. 2349), this redelegation of authority is hereby issued.

1. *Authority to act under section 11 (f) and (g) of the General Ceiling Price Regulation.* Authority is hereby redelegated to the Directors of the Territorial Offices of the Office of Price Stabilization in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands, to receive notices of parity adjustment increases submitted by processors or manufacturers pursuant to section 11 (f) of the General Ceiling Price Regulation and if the increase is deemed unreasonable, excessive, or otherwise improper, to disapprove the price and restore the old ceiling price or establish a new ceiling price with power to apply it retroactively, pursuant to section 11 (g) of said regulation. In processing such notices, the Territorial Directors may obtain any relevant additional information.

This redelegation of authority shall take effect on April 2, 1952.

WILLIAM T. CARROLL,
Regional Director, Region XIV.

APRIL 1, 1952.

[F. R. Doc. 52-3866; Filed, Apr. 1, 1952;
4:53 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26926]

ALCOHOLS FROM POINTS IN LOUISIANA TO
KINGSFORD AND HOLSTON, TENN.

APPLICATION FOR RELIEF

APRIL 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 400.

Commodities involved: Isopropanol, isopropyl alcohol, and ethyl alcohol partly denatured, in tank-car loads.

From: Baton Rouge, New Orleans, and Charlotte, La., and intermediate points located between Baton Rouge and New Orleans.

To: Holston and Kingsport, Tenn.

Grounds for relief: Circuitous routes and competition with motor-water carriers.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 400, Supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before

the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-3834; Filed, Apr. 3, 1952;
8:45 a. m.]

[4th Sec. Application 26927]

PROPORTIONAL GRAIN RATES FROM KANSAS
CITY, MO.-KANS., TO PORT ARTHUR, TEX.

APPLICATION FOR RELIEF

APRIL 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Missouri-Kansas-Texas Railroad Company, St. Louis-San Francisco Railway Company, and other carriers.

Commodities involved: Grain, grain products, and related articles, carloads. From: Kansas City, Mo.-Kans., (when originating beyond).

To: Port Arthur, Tex.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: MKT RR. tariff I. C. C. No. 1470, Supp. 43; STLSF Ry. tariff I. C. C. No. A-186, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-3835; Filed, Apr. 3, 1952;
8:45 a. m.]

[4th Sec. Application 26928]

SULPHURIC ACID FROM POINTS IN ARKANSAS, OKLAHOMA, LOUISIANA AND TEXAS, TO BAY MINETTE, ALA.

APPLICATION FOR RELIEF

APRIL 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3906, 3908, 3919, and 3967.

Commodities involved: Sulphuric acid, in tankcar loads.

From: Specified points in Arkansas, Oklahoma, Louisiana, and Texas.

To: Bay Minette, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3906, Supp. 105; F. C. Kratzmeir's tariff I. C. C. No. 3908, Supp. 96; F. C. Kratzmeir's tariff I. C. C. No. 3919, Supp. 95; F. C. Kratzmeir's tariff I. C. C. No. 3967, Supp. 95.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-3836; Filed, Apr. 3, 1952;
8:45 a. m.]

[4th Sec. Application 26929]

SUPERPHOSPHATE FROM OKLAHOMA, ARKANSAS, LOUISIANA AND TEXAS, TO NEW FLORENCE, MO.

APPLICATION FOR RELIEF

APRIL 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3906, 3908, 3919, and 3967.

Commodities involved: Superphosphate, other than ammoniated, carloads.

From: Bartlesville, Okla., Little Rock, North Little Rock, and Walport, Ark., Shreveport, La., Sulphur Springs, Tex., and Texarkana, Ark.-Tex.

To: New Florence, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3906, Supp. 106; F. C. Kratzmeir's tariff I. C. C. No. 3908, Supp. 97; F. C. Kratzmeir's tariff I. C. C. No. 3919, Supp. 96; F. C. Kratzmeir's tariff I. C. C. No. 3967, Supp. 96.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[P. R. Doc. 52-3837; Filed, Apr. 3, 1952;
8:45 a. m.]

[4th Sec. Application 26930]

COPPER TUBING FROM DECATUR, ALA., TO
BEAUMONT AND HOUSTON, TEX.

APPLICATION FOR RELIEF

APRIL 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3899.

Commodities involved: Copper tubing, carloads.

From: Decatur, Ala.

To: Beaumont and Houston, Tex.

Grounds for relief: Competition with motor-water carriers.

Schedules filed containing proposed rates; F. C. Kratzmeir's tariff I. C. C. No. 3899, Supp. 91.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[P. R. Doc. 52-3838; Filed, Apr. 3, 1952;
8:46 a. m.]

No. 67—6

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1770]

APPALACHIAN ELECTRIC POWER CO. AND
OHIO POWER CO.

ORDER EXTENDING TIME IN WHICH TO AC-
QUIRE REMAINING CAPITAL STOCK OF A
NON-UTILITY SUBSIDIARY

MARCH 31, 1952.

Appalachian Electric Power Company ("Appalachian") and The Ohio Power Company ("Ohio"), both electric utility subsidiaries of American Gas & Electric Company, a registered holding company, having heretofore filed a joint application with this Commission with respect to the purchase by Appalachian and Ohio of not to exceed 20,000 shares each of the \$100 par value capital stock of Central Operating Company ("Operating Company"), a new company organized in 1948 for the purpose of operating the Sporn Steam Electric Generating Station as a single plant for the benefit of Appalachian and Ohio, such stock to be purchased by Appalachian and Ohio from time to time prior to March 1, 1952; and The Commission, by order dated April 30, 1948, having granted said joint application; and

Appalachian and Ohio having each acquired 13,300 shares of the capital stock of Operating Company as of February 1, 1952, pursuant to said order; and

An amendment to said joint application having been filed on March 5, 1952 requesting that the time within which Appalachian and Ohio may comply with the order of April 30, 1948, with respect to the purchase of the remaining 13,400

shares of capital stock of Operating Company, be extended to March 1, 1953; and The Commission having considered such request and deeming it appropriate that it be granted:

It is ordered, That the time within which Appalachian and Ohio may each purchase 6,700 shares of the remaining unissued capital stock of Central Operating Company, in accordance with the terms stated in the joint application, as filed, be, and the same hereby is, extended to March 1, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS
Secretary.

[P. R. Doc. 52-3825; Filed, Apr. 3, 1952;
8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Change List No. 69]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND
CORRECTIONS IN ASSIGNMENTS

MARCH 10, 1952.

Notification under the provisions of Part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power (kw)	Radiation	Time designation	Class	Probable date to commence operation
New.....	Edmonton, Alberta.....	1	1080 kilocycles DA-1	U	II	Oct. 3, 1953
Do.....	Kingston, Ontario.....	1	1380 kilocycles DA-1	U	III	Do.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[P. R. Doc. 52-3848; Filed, Apr. 3, 1952; 8:46 a. m.]

[Docket No. 10164]

SACRAMENTO RADIO DISPATCH

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of John G. O'Hara and Wm. J. Blevins, Jr., d/b as Sacramento Radio Dispatch, Sacramento, California, Docket No. 10164, File No. 16027-C2-P-E; for construction permit in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of March 1952;

The Commission, having under consideration the above-entitled application

for construction permit in the Domestic Public Land Mobile Radio Service at Sacramento, California, to operate on the frequencies 152.03 Mc. and 158.49 Mc. for the base and mobile stations, respectively; and

It appearing, that, in accordance with the Commission's report and order in dockets Nos. 8658, et al., dated April 27, 1949, and § 6.409 of the Commission's rules governing Public Radiocommunication Services (other than Maritime Mobile), each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit

rendition of service on an interference-free basis; and

It further appearing, that the above-entitled application requests an authorization which might result in harmful interference with the co-channel operation of Domestic Public Land Mobile Radio Service station KMA259, licensed to Tadlock's Radio Dispatch in Woodland, California, about 17.5 miles distant from the location of the proposed station; and

It further appearing, that, based upon an examination of the application and the amendment thereto, said applicant may not control the proposed base and mobile station facilities as required by the provisions of section 310 (b) of the Communications Act of 1934, as amended;

It is ordered. That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application of Sacramento Radio Dispatch is designated for hearing in Washington, D. C., commencing at 10:00 a. m. on the 2d day of June 1952, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the above-entitled applicant to construct and operate the proposed station.

2. To determine the area in which reliable service would be provided by the proposed station, the number of persons residing in such area, and the need for the proposed service therein.

3. To determine whether the operation of the proposed station would involve harmful interference with the service afforded by station KMA259, Woodland, California, or any other existing station, and, if so, the nature and extent thereof.

4. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices, and services of the applicant for the furnishing of Domestic Public Land Mobile Radio Service.

5. To determine whether, under the proposals set forth in the application and the amendment thereto, applicant will have control over its base and mobile station facilities, as required by the provisions of section 310 (b) of the Communications Act of 1934, as amended.

6. To determine whether a grant of the above-entitled application would serve the public interest, convenience, or necessity.

It is further ordered. That Tadlock's Radio Dispatch, licensee of station KMA259, Woodland, California, is hereby made a party respondent to this proceeding.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[P. R. Doc. 52-3849; Filed, Apr. 3, 1952;
8:46 a. m.]

[Docket Nos. 9605, 9997, 10019]

GULF BEACHES BROADCASTING CO., INC.,
ET AL.

ORDER CONTINUING HEARING

In re applications of Gulf Beaches Broadcasting Co., Inc., St. Petersburg

Beach, Florida, Docket No. 9605, File No. BP-7302; Howard E. Pill, tr/as Alabama-Gulf Radio, Foley, Alabama, Docket No. 10019, File No. BP-8012; E. P. Martin, Alpha Martin and Elmo B. Kitts, d/b as Hillsboro Broadcasting Company (WEBK), Tampa, Florida, Docket No. 9997, File No. BP-7892; for construction permits.

The Commission having under consideration the assigned date of Wednesday, April 9, 1952, for further hearing upon the above-entitled applications; and

It appearing, that the hearing date hereinafter established meets the convenience of the parties and of the hearing examiner, and that counsel for each party and for the Chief of the Broadcast Bureau, upon inquiry by the hearing examiner, have informally consented to the continuance as hereinafter ordered; now therefore, upon the Commission's own motion,

It is ordered. This 21st day of March 1952, that the further hearing in this proceeding, presently scheduled to commence on April 9, 1952 is continued to 10:00 a. m. on Monday, April 14, 1952, at Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[P. R. Doc. 52-3850; Filed, Apr. 3, 1952;
8:46 a. m.]

[Docket Nos. 9895, 9912]

JOHN C. POMEROY AND OAKLAND
BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of John C. Pomeroy, Pontiac, Michigan, Docket No. 9895, File No. BP-7811; Harry A. McDonald, Jr. and Ray A. Shapero, d/b as Oakland Broadcasting Company, Pontiac, Michigan, Docket No. 9912, File No. BP-7984; for construction permits.

The Commission having under consideration a Motion filed March 12, 1952, on behalf of Oakland Broadcasting Company, requesting a postponement of the hearing date in the above-entitled proceeding; and

It appearing, that on account of personal illness counsel for petitioner has not had sufficient time in which to prepare for the hearing; and

It further appearing, that counsel for John C. Pomeroy and for the Chief of the Broadcast Bureau have informally consented to the granting of the Motion;

Now, therefore, it is ordered. This 21st day of March 1952, that the Motion is granted, and the hearing in the above-entitled proceeding is continued to Tuesday, April 22, 1952.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[P. R. Doc. 52-3851; Filed, Apr. 3, 1952;
8:46 a. m.]

[Docket No. 10085]

MONONA BROADCASTING CO. (WKOW)

ORDER CONTINUING HEARING

In re application of Monona Broadcasting Company (WKOW), Madison, Wisconsin, Docket No. 10085, File No. BR-1921; for renewal of license.

The Commission having under consideration the petition of the applicant, filed March 20, 1952, that the hearing upon its application, which is presently scheduled to commence on March 28, 1952, be continued for ninety days;

It appearing, that the renewal application herein was designated for hearing on November 7, 1951, because of a possible delegation by petitioner of its exclusive rights and responsibilities as a broadcast licensee, in contravention of sections 301 and 310 (b) of the Communications Act of 1934, as amended;

It appearing further, that, according to petitioner's allegations, it is presently engaged in preparing a petition for reconsideration of the Commission's action ordering the hearing herein, and that, in connection therewith, it is assembling and will file the affidavits of the numerous principals identified with its own organization and with the other organizations involved in the issues governing the proceeding, viz, the Atlass Amusement Company, the Columbia Broadcasting System and the Mutual Broadcasting System;

It appearing further, that counsel for the Commission consents to the ninety-day continuance herein sought and to a waiver of the provisions of § 1.745 of the Commission's rules to permit immediate consideration of the instant petition;

It appearing further, that the petition for reconsideration above-mentioned will be filed within the next few days, and, in view thereof, it is appropriate to continue the hearing herein indefinitely, pending action by the Commission en banc upon the said petition;

Accordingly, it is ordered. This 25th day of March 1952, that the applicant's petition for a continuance of the hearing upon its application, be, and it is hereby, granted; *And it is further ordered.* On the Commission's own motion, that the said hearing is continued until further order.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[P. R. Doc. 52-3852; Filed, Apr. 3, 1952;
8:46 a. m.]

[Docket No. 9964]

AZALEA BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Charles W. Holt, Clarence M. Dossett, Dave A. Matison, Jr. and Bernard Reed Green, d/b as Azalea Broadcasting Company, Mobile, Alabama; Docket No. 9964, File No. BP-7830.

The Commission having under consideration a petition filed March 24, 1952, by Charles W. Holt, Clarence M. Dossett,

Dave A. Matison, Jr. and Bernard Reed Green, doing business as Azalea Broadcasting Company, Mobile, Alabama, for a 90-day continuance of the hearing on the above-entitled application, now scheduled for the 28th day of March in Washington, D. C., and

It appearing that the principal issues upon which said application was designated for hearing involve a determination of the areas and populations to be served and whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice with particular reference to the coverage of the metropolitan district of Mobile, Alabama, during nighttime hours of operation; that applicant's consulting engineer is engaged in the preparation of certain data and exhibits which, they allege, when reviewed by the Commission, may obviate the necessity of a hearing; and

It appearing further, that there are no other parties to this proceeding and counsel for the Broadcast Bureau has agreed to waive the provisions of § 1.745 of the Commission's rules so as to permit immediate consideration of this petition and has consented to a grant thereof; that the premises considered a continuance of this proceeding without date and until further order of the Commission would appear to conduce to the dispatch of the Commission's business and to the ends of justice;

Therefore, it is ordered, This 26th day of March 1952, that the petition for continuance is granted, and the hearing in the above-entitled matter now scheduled for 10 o'clock a. m., March 28, 1952, in Washington, D. C., is continued without date and until further order of the Commission.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-3853; Filed, Apr. 3, 1952;
8:47 a. m.]

[Docket No. 10112]

WESTERN UNION TELEGRAPH CO.

ORDER CONTINUING HEARING

In re: The matter of new classifications, regulations and practices of the Western Union Telegraph Company in connection with the use of interstate and foreign leased facilities for the dissemination of horse or dog racing news; Docket No. 10112.

The Commission having under consideration a petition filed March 20, 1952, for a continuance to May 1, 1952, of the hearing on the above-entitled matter now scheduled for 10 o'clock a. m., April 1, 1952, in Washington, D. C., and

It appearing that the State of California is an intervener and has filed a motion to enlarge the issues in said proceeding; that said motion is pending and undetermined before the Commission and should be determined prior to commencement of the hearing; that representatives of the Attorney General of

California, officers and attorneys for the Western Union Telegraph Company and attorneys for the Common Carrier Bureau of the Federal Communications Commission have been conferring with respect to the tariff and problems involved in this proceeding; that said conferences may clarify the matters at issue and thus shorten the hearing in this proceeding and additional time is needed therefor; and

It further appearing that petitioner is authorized by The Western Union Telegraph Company to advise the Commission that the latter has no objection to the requested continuance and that if the Commission should grant the said petition it will undertake further to extend the effective date of its Tariff FCC No. 219, Seventh Revised, page 8, until July 1, 1952; and that under these circumstances irreparable injury would not be caused to any party to this proceeding or to the public; that the time within which all other parties might have filed objections to the petition of the State of California for continuance of this proceeding has expired and no such objection has been filed;

Therefore, it is ordered, This 27th day of March 1952, that the petition of the State of California is granted and the hearing on the above-entitled matter now scheduled for 10 o'clock a. m., April 1, 1952, is continued to 10 o'clock a. m., May 1, 1952, in Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-3854; Filed, Apr. 3, 1952;
8:47 a. m.]

[Designation Order 68]

DESIGNATION OF MOTIONS COMMISSIONER
FOR APRIL 1952

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of March 1952;

It is ordered, Pursuant to section 0.111 of the statement of delegations of authority, that George E. Sterling, Commissioner, is hereby designated as Motions Commissioner for the month of April 1952.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-3855; Filed, Apr. 3, 1952;
8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18764]

ALEXANDER W. WATJEN

In re: Estate of Alexander W. Watjen, deceased. File No. F-28-2688.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Johanna Alice Watjen, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, and prior to January 1, 1947, has been a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Alexander W. Watjen, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Johanna Alice Watjen, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Hugo Emmerich, as ancillary administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York.

and it is hereby determined:

4. That the national interest of the United States requires that such person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 12, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3860; Filed, Apr. 3, 1952;
8:47 a. m.]

[Vesting Order No. 18818]

WILLIAM AND GESINE HEEPER

In re: Rights of William Heeper and Gesine Heeper under insurance contract. F-28-30028-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50

U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That William Heeper and Gesine Heeper, whose last known address is 80 Moeckernstrasse, Bremen, Germany, on or since December 11, 1941; and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany):

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 3390,415 issued by The Equitable Life Assurance Society of the United States, New York, New York, to William Heeper, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Equitable Life Assurance Society of the United States, together with the right to demand, enforce, receive and collect the same is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, William Heeper and Gesine Heeper, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3861; Filed, Apr. 3, 1952; 8:48 a. m.]

[Vesting Order 18819]

BANCO GERMANICO DE LA AMERICA DEL SUR

In re: Bank account owned by Banco Germanico de la America del Sud, Chile, also known as Deutsch-Sudamerikanische Bank. F-28-1114-E-4.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Deutsch-Sudamerikanische Bank, also known as Deutsche-Sudamerikanische Bank, Aktiengesellschaft, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, which on or since December 11, 1941 and prior to January 1, 1947 was organized under the laws of and had its principal place of business in Germany, and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany):

2. That Banco Germanico de la America del Sud, Santiago, Chile, also known as Deutsch-Sudamerikanische Bank, the last known address of which is Casilla 90D, Santiago, Chile, is a branch of Deutsch-Sudamerikanische Bank, which on or since December 11, 1941 and prior to January 1, 1947 was controlled by the aforesaid Deutsch-Sudamerikanische Bank, and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany):

3. That the property described as follows: That certain debt or other obligation owing to Banco Germanico de la America del Sud, Santiago, Chile, also known as Deutsch-Sudamerikanische Bank by The New York Trust Company, 100 Broadway, New York 15, New York, arising out of an Inactive Unpaid Foreign Draft Account in the name of Banco Germanico de la America del Sud, Santiago, Chile, maintained with the aforesaid Company and any and all rights to demand, enforce and collect the same, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Banco Germanico de la America del Sud, Chile, also known as Deutsch-Sudamerikanische Bank, the aforesaid national of a designated enemy country (Germany); and it is hereby determined:

4. That Banco Germanico de la America del Sud, Santiago, Chile, also known as Deutsch-Sudamerikanische Bank, is and prior to January 1, 1947, was controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is and prior to January 1, 1947, was a national of a designated enemy country (Germany):

5. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3862; Filed, Apr. 3, 1952; 8:48 a. m.]

[Vesting Order 18814]

W. BASTEL & CO. ET AL.

In re: Claims of W. Bastel & Co., and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the corporations, partnerships, associations or other business organizations whose names and last known addresses are listed below:

Name and Address

W. Bastel & Co., Kobe, Japan.
Daimyo Bussan Co., Ltd., No. 1 Bogami-Dori, 6 Chome, Kobe, Japan.
Fuji Trading Co., P. O. Box 32, Minami, Osaka, Japan.
Liebermann, Waechli & Co., Tokyo, Japan.
M. Mishima & Co., Ltd., Kobe, Japan.
Mitsudumi & Co., Kobe, Japan.
Gomei Kaisha Miyabe & Suyetaka, Kobe, Japan.
Nozawa & Co., Ltd., 55 Harima-Machi, Kobe, Japan.
Raspe & Co., P. O. Box 63, Kobe, Japan.
Kawakita & Co., Ltd., Yokohama, Japan.
Yachiyo Co., 91 Nichome Ohgi-Machi, Yokohama, Japan.
I. Premsing & Sons, Yokohama, Japan.

are organized under the laws of Japan, and have, or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Japan, and are nationals of a designated enemy country (Japan):

2. That the property described as follows: All right, title, interest of any nature whatsoever of the persons identified as the Drawers in Exhibit A, attached hereto and by reference made a part hereof, in and to the drafts described in said Exhibit A, and any and all claims against The Yokohama Specie Bank, Ltd., including but not limited to the New York Agency of The Yokohama Specie Bank Ltd. and/or the Superintendent of Banks of the State of New York as Liquidator of the Business & Property in New York of The Yokohama Specie Bank Ltd., arising out of said drafts, and any and all rights and claims to proceeds on such drafts,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

Draft No.	Face amount	Drawer	Drawee
Kobe 4576	\$1,083.81	W. Bastel & Co., Kobe, Japan	Casa Buena, Santo Rosa de Copan, Honduras
Kobe 4174	1,307.28	do	Glaili Marcos, San Pedro Sula, Honduras
Kobe 4232	326.67	do	Do.
Kobe 4384	1,278.85	do	Do.
Kobe 4506	878.46	do	Do.
Kobe 4574	878.16	do	Do.
Kobe 4643	3,493.77	do	Handal & Cis, Santa Rosa de Copan, Honduras
Kobe 3360	275.22	do	Demetrio J. Ictech, San Pedro, Sula, Honduras
Kobe 4175	319.30	do	Emilio J. Jaar, Portrerillos, Honduras
Kobe 3361	193.99	do	Juan A. Paredes, San Pedro, Sula, Honduras
Kobe 4306	443.20	Daimyo Bussan Co., Ltd., No. 1 Bogami Dori, 6 Chome, Kobe, Japan	La Perfeccion Industrial, San Pedro, Sula, Honduras
Kobe 4307	443.20	do	Do.
Osaka 2963	12.50	Fuji Trading Co., P. O. Box 32, Minami, Osaka, Japan	Elias Salame, Tegucigalpa, Honduras
Yoko 2702	58.78	Liebermann, Waelchli & Co., Tokyo, Japan	Carmen C. de Matamoros, Tegucigalpa, Honduras
Yoko 1810	482.54	do	Basilio Farsch, Tegucigalpa, Honduras
Yoko 1979	794.11	do	Do.
Yoko 2338	350.99	do	Juan Hilaca, Tegucigalpa, Honduras
Yoko 2602	305.07	do	Jacobo Zablan, Tegucigalpa, Honduras
Yoko 2903	305.07	do	Do.
Yoko 2904	305.07	do	Do.
Yoko 2905	305.07	do	Do.
Yoko 2906	305.07	do	Do.
Yoko 2907	305.07	do	Do.
Yoko 2908	305.06	do	Do.
Kobe 2867	725.03	M. Mishima & Co., Ltd., Kobe, Japan	Salomon Barjom, Tegucigalpa, Honduras
Kobe 3341	187.08	do	Victor J. Fox, Tegucigalpa, Honduras
Kobe 3352	133.90	do	Elias Salame, Tegucigalpa, Honduras
Kobe 3356	442.42	Mitsudumi & Co., Kobe, Japan	Werner Rischbieth & Co., Tegucigalpa, Honduras
Kobe 3253	879.70	Gomei Kaisha Miyabe & Suyetaka, Kobe, Japan	Julio Mourra, Tegucigalpa, Honduras
Kobe 4408	331.39	Norawa & Co., Ltd., 55 Harima-Machi, Kobe, Japan	Don Julio Mourra, Tegucigalpa, Honduras
Kobe 3265	222.37	Raspe & Co., P. O. Box 63, Kobe, Japan	Juan S. Cananuat, San Pedro, Sula, Honduras
Kobe 3266	226.88	do	Do.
Osaka 3266	32.65	Fuji Trading Co., P. O. Box 32, Minami, Osaka, Japan	Don Manuel Angel Hernandez, San Jose, Costa Rica
Osaka 3723	18.00	do	Do.
Yoko 2132	17.20	Kawakita & Co., Ltd., Yokohama, Japan	Albin Opalinski, Caracas, Venezuela
Kobe 6719	891.77	Daimyo Bussan Co., Ltd., No. 1-Isogami-Dori, 6 Chome, Kobe, Japan	Bazarde Novedades, Guayaquil, Ecuador
Yoko 2173	129.20	Yachiyo Co., 91 Nichome Ohgi-Machi, Yokohama, Japan	Victor Ortega Espinosa, Guayaquil, Ecuador
Yoko 7217	554.32	I. Premsing & Sons, Yokohama, Japan	M. L. Altneu, Curacao, D. W. I.

[F. R. Doc. 52-3791; Filed, Apr. 2, 1952; 8:50 a. m.]

[Vesting Order 18815]

LIEBERMANN, WAECHLI AND CO.

In re: Bank accounts owned by Liebermann, Waelchli and Company.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Liebermann, Waelchli and Company, whose last known address is Japan, is a partnership organized under the laws of Japan, which has or on or since the effective date of Executive Or-

der 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of the Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, to Liebermann, Waelchli and Company, arising out of a Commercial Deposit Account in the name of Liebermann, Waelchli and Company, maintained with the aforesaid bank and any

and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of the Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, to Liebermann, Waelchli and Company, arising out of a Commercial Deposit-Special Agent's Commission Account, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Wells Fargo Bank and Union Trust Company, Market at Montgomery, San Francisco, California, to Liebermann Waelchli and Company, arising out of a blocked account in the name of Liebermann Waelchli and Company, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3792; Filed, Apr. 2, 1952; 8:50 a. m.]

[Vesting Order 18816]

KEIJI NIKAMI

In re: Stock owned by Keiji Nikami, D-39-1461.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Keiji Nikami, whose last known address is 2,244 Sannohe Cho, Morioka Shi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: One hundred (100) shares of no par value common stock of Twin City Rapid Transit Company, evidenced by a certificate numbered NY 12232, registered in the name of Matsuro Nikami, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3793; Filed, Apr. 2, 1952;
8:50 a. m.]

[Vesting Order 18820]

DEUTSCHE BANK UND DISCONTO GESELLSCHAFT

In re: Bank account owned by Deutsche Bank und Disconto Gesellschaft, also known as Direction Disconto Gesellschaft. F-28-1279-E-7.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Bank und Disconto Gesellschaft, also known as Direction Disconto Gesellschaft, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, which on or since December 11, 1941 and prior to January 1, 1947, was organized under the laws of and had its principal place of

business in Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Deutsche Bank und Disconto Gesellschaft, also known as Direction Disconto Gesellschaft, Berlin, Germany, by The New York Trust Company, 100 Broadway, New York 15, New York, arising out of an Inactive Unpaid Foreign Draft Account in the name of Deutsche Bank und Disconto Gesellschaft, maintained with the aforesaid Company, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Bank und Disconto Gesellschaft, also known as Direction Disconto Gesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3863; Filed, Apr. 3, 1952;
8:48 a. m.]

[Vesting Order 18821]

DEUTSCHE BANK UND DISCONTO GESELLSCHAFT

In re: Bank account owned by Deutsche Bank und Disconto Gesellschaft, also known as Direction Disconto Gesellschaft. F-28-1279-E-7.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Bank und Disconto Gesellschaft, also known as Direction Disconto Gesellschaft, the last known address of which is Mainz, Germany, is a corporation, partnership, association or other business organization, which on or since December 11, 1941 and prior to January 1, 1947 was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947 was a national of a designated enemy country (Germany);

2. That the property designated as follows: That certain debt or other obligation owing to Deutsche Bank und Disconto Gesellschaft, also known as Direction Disconto Gesellschaft, Mainz, Germany, by The New York Trust Company, 100 Broadway, New York 15, New York, arising out of an Inactive Unpaid Foreign Draft Account in the name of Deutsche Bank und Disconto Gesellschaft, maintained with the aforesaid Company, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Bank und Disconto Gesellschaft, also known as Direction Disconto Gesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3864; Filed, Apr. 3, 1952;
8:48 a. m.]

[Vesting Order 18822]

CERTAIN UNKNOWN GERMAN NATIONALS

In re: Bonds owned by German nationals whose names are unknown. F-28-31849.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Execu-

tive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons referred to in subparagraph 2 hereof whose names are unknown and who, if individuals, there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and which if partnerships, corporations, associations or other business organizations, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany are, and prior to January 1, 1947 were nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations matured or unmatured evidenced by Twenty-Eight (28) 5 Percent Denver

and Rio Grande Western Railroad Company General Mortgage Sinking Fund Gold bonds, due August 1, 1955, having an aggregate face value of \$2800.00 and numbered C1712/39 for \$100.00 each, together with any and all accruals to the aforesaid debts or other obligations; and any and all rights to demand, enforce and collect the same, and any and all rights in an under said bonds, including but not limited to any rights under a plan of reorganization,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraph 1 hereof, the aforesaid nationals of a designated enemy country (Germany); and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 be treated as persons who are and prior to January

1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3865; Filed, Apr. 3, 1952;
8:49 a. m.]

